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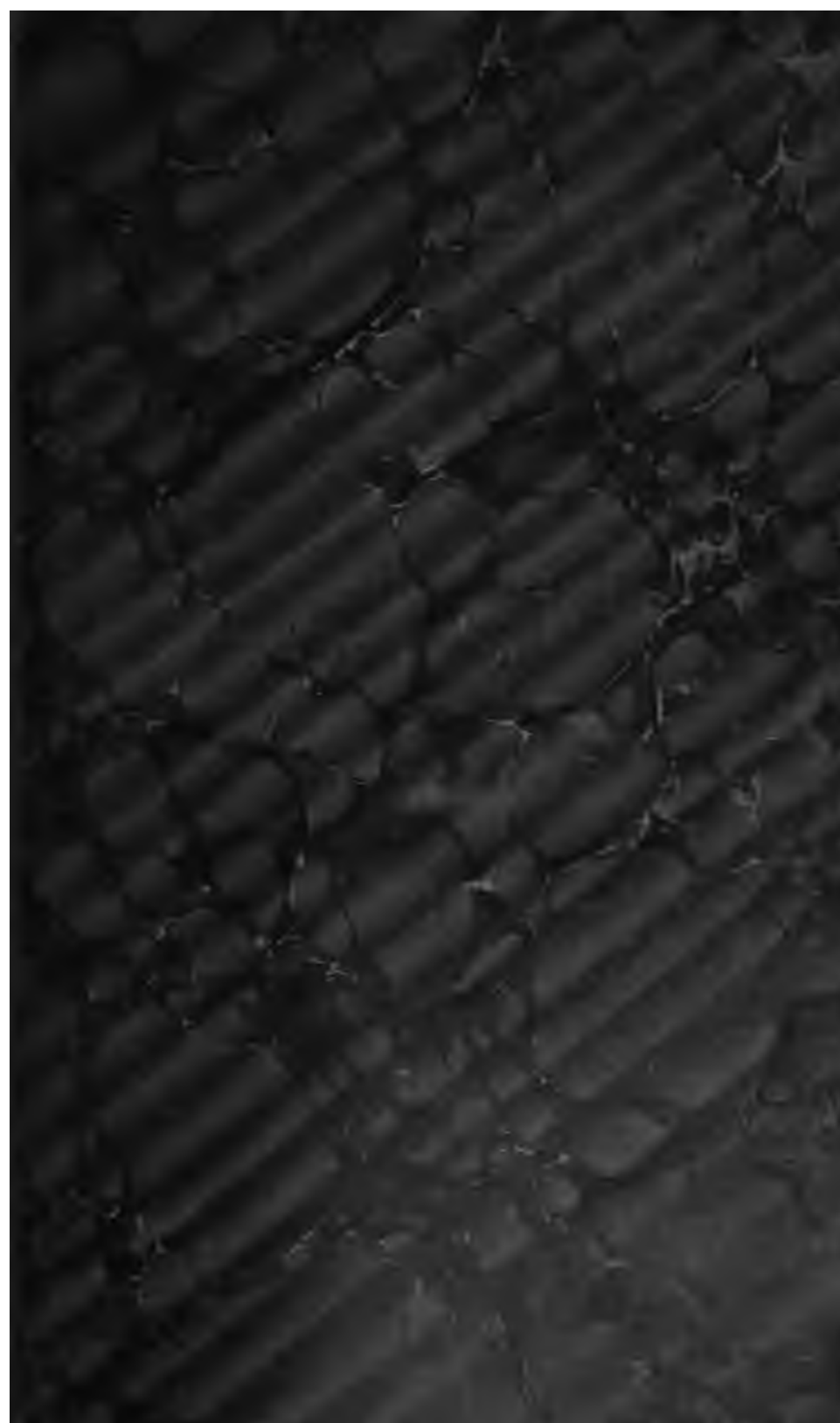
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HISTORICAL RECORDS

OF

NEW SOUTH WALES.

VOL. III.—HUNTER.

1796—1799.

EDITED BY

F. M. B L A D E N,
BARRISTER-AT-LAW.



By Authority.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER

1895.

[REGISTERED UNDER THE COPYRIGHT ACT, 1879.]

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PREFACE TO VOL. I.

BY THE LATE ALEXANDER BRITTON.

THE HISTORICAL RECORDS OF NEW SOUTH WALES are published with the object of affording the fullest information obtainable concerning the foundation, progress, and government of the mother colony of Australia. It was with a similar purpose that the publication was commenced, some years ago, of the HISTORY OF NEW SOUTH WALES FROM THE RECORDS. All the material that the Government could command was placed at the disposal of the author of Vol. I—Mr. G. B. Barton—by whom this store of information was largely drawn upon. But when Vol. II of the HISTORY was in course of preparation it was considered desirable to make a change in the plan. It was determined that while the publication of the HISTORY should go on, the Records themselves, with the exception of those that were trivial or formal, should be printed in full, in separate volumes, so that the public might have, on the one hand, a historical work founded on official documents, and on the other, the material upon which the narrative had been based.

The adoption of this course serves a double purpose. In the first place, it enhances the value of the HISTORY, for it enables the reader to turn at any point from the narrative of the writer to the fuller information which the reports and despatches supply. The advantage gained by this treatment of the official papers is obvious. No matter how faithfully a writer of history may

perform his task, he cannot cover all the ground ; no matter how acutely he may criticise the actors who take part in the scenes he describes, he cannot exhibit them in so clear a light as they are shown in their own writings. Thus the publication of the Records may be regarded as desirable from the historical point of view.

In the second place, the printing of the Records gives immediate and lasting public value to State Papers which would otherwise be of service to the few—only those, in fact, who have leisure to search the bulky manuscripts which have been collected by the Government. In the absence of printed records, the inquirer who endeavours to learn in what manner New South Wales was founded—how the settlement was governed in the early days—by what steps it grew—how difficulties were encountered and overcome—what mistakes were made, and how they were corrected—by whom injustice was perpetrated, and in what way retribution fell upon the oppressor—can command no better sources of information than tradition, and the accounts of writers who had to make history from insufficient material. The publication of these Records will place at his disposal the best possible material, and enable him to draw his own conclusions from direct testimony.

It is not entirely a new departure that has been taken. The importance of preserving and reproducing national records is recognised in most civilised countries ; especially in Great Britain. In earlier times, when Ministers of the Crown treated official despatches as their private property, and on quitting office carried to their own houses manuscripts which belonged to the nation, little care was taken of the Records, and such a thing as giving information to the public concerning them does not appear to have had any place in the minds of those in authority. This indifference no longer exists. All public documents are carefully preserved ; inventories of them are taken, and they are accurately described in printed calendars. With a few exceptions, the State Papers of the United Kingdom are gathered together in one place—the Public Record Office, London—and are kept in the custody of the Master of the Rolls, who by the Public Records

Act (1 and 2 Vict., c. 94) is constituted Keeper of the Archives.* These stores of information are not simply hoarded up—they are treated in such a way as to be of general use, and to bring within easy reach of the historian the documentary evidence that he requires. Large volumes, entitled “Calendars of State Papers,” consisting of condensations of the documents in the Public Record Office and elsewhere from the days of Henry VIII to the Eighteenth Century, are in course of publication, while some of the earlier Records are printed in full.

In Canada the Records are scrupulously kept, and their contents disclosed for the information of the public. In 1872 the Dominion Government appointed an Archivist, and founded an Archives Office at Ottawa, where all the public records, with the exception of those retained by the provincial authorities, are stored. The papers consist partly of original documents, and partly of copies of old despatches and other manuscripts transcribed by a staff of writers from originals discovered by the Archivist in the London Record Office and Departments of State, and in the archives of Paris and other European cities. From time to time reports are issued in which the Records are described, and when considered necessary, printed in full. In this manner the public is placed in possession of information of the highest interest and importance relating to the early history of Canada which had never before seen the light.

In New South Wales, owing to the shorter period of time, and the smaller quantity of material to be dealt with, it is possible to do what would be impracticable under other circumstances, that is to say, to publish in full the Records of the Colony from its foundation. It has also been decided to publish all available correspondence concerning Captain Cook and his connection with Australian discovery. The Cook Papers form Part 1 of Vol. I. Part 2 of Vol. I contains the Records relating to the establishment of the Colony and its progress under Governor Phillip.

* With the exception of certain manuscripts in the British Museum and a few public libraries, most of the public muniments of the realm are now placed in one repository, and under the supervision of the Master of the Rolls.—*Encyclopædia Britannica*, ninth edition, vol. xx, p. 313.

When the settlement at Port Jackson was established the chief authority was vested in the Governor, who not only governed the Colony, but administered its affairs. The civil business was conducted nominally by a staff, but much of the work fell upon the Governor, who had to deal with matters which would be settled in the present day by an ordinary clerk. He was also at the head of the naval and military forces, and was the principal, it may almost be said the only, channel of communication between the Colonial Government and the English authorities. The reasons which led the English Government to plant a convict settlement in New South Wales are only briefly indicated in the scanty papers discovered in the State Departments; but when the Colony had been established, its affairs formed the subject of periodical letters from the Governors, who wrote fully about the concerns of the settlement, receiving in reply despatches for their guidance and instruction. Most of this correspondence has been preserved in the English Departments of State, either in the original or in official copies; and is of considerable interest. The despatches are full of information. The Governors were required by their Instructions to keep the Home authorities well informed about matters great and small; and, in the despatches sent to London, almost every transaction that took place is minutely described. More than this, copies of all the Proclamations and Orders, issued by the Governor and the military commander, were forwarded for the information of the English authorities. These documents are recorded with the other State Papers.

The history of the early years of New South Wales is founded mainly upon the despatches sent by the Governors to the authorities in England, and the despatches received by them in reply. The Records are comprised within measurable bounds, and as they are the chief material out of which history must be made, it has been decided to print them as they stand.

This course has been adopted on the recommendation of a Board, consisting of the late Hon. Geoffrey Eagar, Under Secretary for Finance and Trade from 1872 to 1891; Alexander Oliver, M.A., President of the Land Appeal Court, and formerly the Parliamentary Draftsman; Professor G. Arnold Wood, B.A.,

Challis Professor of History at the Sydney University ; and R. C. Walker, Principal Librarian, Public Library. The Board having ascertained the nature of the documents at the disposal of the Government, came to the conclusion that the design with which the publication of the Official History was commenced could not be fully carried out unless the State Papers and other official documents upon which the work was based were made as accessible to the public as the History itself. They therefore recommended, in the month of March, 1891, that the publication of the Records was not only desirable but necessary. The proposal received the approval of the then Colonial Treasurer, the Hon. William McMillan, who gave the necessary authority to carry out the work, on the lines recommended by the Board. Arrangements were made, accordingly, for printing and publishing the despatches, reports, letters and other papers which had been collected.

While the best use has been made of the material at command, the Records of the early days of the Colony cannot be presented in an absolutely complete form. Every paper of consequence that has been discovered, or may be discovered hereafter, will be published ; but unfortunately manuscripts of great interest and importance, which are known to have existed, cannot now be found. The most valuable of the early Records are the despatches sent to England by the Governors, and the despatches received by the Governors from the authorities in London. At Government House, Sydney, there are a number of letter-books containing copies of the despatches sent to England, and the original despatches received from the Home authorities ; but these Records, instead of going back to 1788, the year in which New South Wales was founded, begin with 1800. Of the despatches received and sent before that date, during the Governorships of Phillip and Hunter, and the Lieutenant-Governorships of Grose and Paterson, there is no trace. What has become of them it is impossible to say. A hundred years ago State Papers were not so carefully guarded as they are now ; the English system was loose, and it would have been surprising if greater care had been taken in Sydney than in London. Some of the early Australian Governors

may have taken their papers with them when they left office. On that supposition the disappearance of the despatches from 1788 to 1800 is readily explained ; but even then the whole case is not met, for public Records of which the Governors were not the custodians are also missing.

There are circumstances, however, which discourage the view that Governors' despatches in the early days were treated as the property of those to whom they were sent. It is certain that they were not so treated by Governor King, and there seems to be no reason why Phillip and Hunter, Grose and Paterson, should have followed a different practice. We have the means of knowing exactly the course pursued by Hunter's immediate successor. The Hon. Philip Gidley King, M.L.C., has placed at the disposal of the Government the books and papers left by his grandfather, Governor King ; but, while these manuscripts include copies of most, if not all, of the despatches received by King from the English Ministers and Under-Secretaries of State, no originals are to be found. The despatches have been copied into letter-books, some by King himself, some by his secretary ; but, while many unofficial letters to King are among the papers, the originals of the Home despatches are wanting. The inference is plain. If King had at any time regarded the English despatches as his own property, he would not have gone to the trouble of copying them, and the originals would have been found among his papers. He was exceedingly careful about his correspondence, preserving communications of all kinds, whether trivial or important, but duplicating nothing. When an original document is met with there is no copy. And the manuscripts at Government House show that when King relinquished the government he left the originals of the English despatches in the office. If in doing so he acted in accordance with the recognised practice, the presumption is that his predecessors—Governors Phillip and Hunter, and Lieutenant-Governors Grose and Paterson—treated in the same way the despatches received by them.

What then has become of these manuscripts ? Most probably they have been destroyed ; but by whom, or with what object, can only be conjectured. That the missing despatches met with

this fate is the more likely from the fact previously stated—that public Records of corresponding dates, for which the Governors were not responsible, have also disappeared. A strong-room in the Colonial Secretary's Office, Sydney, contains all the original Records of New South Wales that can be found in the Colony. These papers have been examined and scheduled, and it may be seen at a glance of what they consist. They begin with a General Order, dated 7th August, 1789, "Instructions to the Night Watch." Two other Orders of no particular importance follow, and these are all out of the many hundreds issued during Phillip's Governorship that appear to have been preserved. There is only one official paper of the time in which Lieutenant-Governor Grose ruled—December, 1792, to December, 1794; and none whatever belonging to the administration of Lieutenant-Governor Paterson—December, 1794, to September, 1795. Hunter's Governorship, which covered more than five years—11th September, 1795, to 27th September, 1800—is represented by one book containing copies of the Orders made from September, 1795, to December, 1797, and five or six papers of minor importance. Papers belonging to the King period, 1800 to 1806, are more numerous; but the Records are scanty and intermittent until the term of Governor Macquarie is reached—January, 1810. No despatches to or from any of the Governors or Lieutenant-Governors have been preserved in this Office. The only manuscripts of this class in Sydney are preserved at Government House.

The Records, so far as Sydney is concerned, are thus defective in two respects. In the first place, the despatches from the foundation of the Colony up to the beginning of 1800 are wanting; in the second place, the Orders, Proclamations, and other official papers showing how authority was exercised in the early days are found only in fragments—in fact, they can scarcely be said to exist.

But for the active search made in London by Mr. James Bonwick, F.R.G.S., the early Records of New South Wales would have been little better than a blank. The despatches sent to England by the Governors, as well as the despatches and letters transmitted to them, have been preserved, if not as

completely as could have been wished, yet to a very large extent, in the Departments of State. These departments have been thrown open to the Government, and the transcriptions that have been made repair, so far as it can be repaired, the loss of the early Colonial Records.

The examination of these valuable sources of information was commenced in April, 1887, when the then Colonial Secretary, Sir Henry Parkes, through the Agent-General, authorized Mr. Bonwick to make copies of certain despatches which he had discovered. In the following year, in view of the publication of the *HISTORY OF NEW SOUTH WALES FROM THE RECORDS*, authority was given for the transcription of documents relating to the period during which Governor Phillip was at the head of affairs, *i.e.* 1788–1792. The information obtained in this way proved so interesting and valuable that Mr. Bonwick was instructed to continue his researches among the early Records of the Colony, and the work has since gone on without interruption. The manuscript Records were not readily accessible; they had to be gathered from many departments. The Governors in the early days were not only responsible to the Home Office, but, as naval officers, they also owed allegiance to the Admiralty, consequently they had to correspond with the Home Secretary and the Lords Commissioners of the Admiralty, and with the Under-Secretaries of those departments. Each department and sub-department kept two letter-books, one for the Minister and the other for the Under-Secretary, so that it was necessary to examine four different sources of information for the purpose of discovering what had passed between the Governors and the English authorities.

In dealing with the Records belonging to a still earlier period—that in which the establishment of a settlement in New South Wales was discussed—the ground to be covered was wider still, though not so productive. In making preparations for the despatch of the First Fleet many departments and sub-departments were engaged—the Home Office, which had general direction of the business; the Admiralty, which undertook the equipment and officering of the ships, and the appointment of the force of marines which guarded the transports and formed the garrison at Port

Jackson ; the Treasury, which made the financial arrangements ; the Transport Office, which had to do with the convict-ships ; and the Victualling Department, which provisioned the fleet. When the marines were replaced by the special corps raised by Major Grose, known afterwards as the New South Wales Corps, another Department of State, that of War, was brought into operation ; and, accordingly, correspondence between that Department and the Home Office, and between the officials at the War Office and the officers of the Corps, took its place amongst the Records. Three of the transports which, with the warship *Sirius* and its tender the *Supply*, constituted the First Fleet, were under charter to the East India Company to take cargoes of tea from China to London, after landing convicts and stores at Port Jackson ; and, at a subsequent stage, the Company, in its opposition to Australian trade with the East, figured largely in the official correspondence relating to New South Wales. The Records of the India Office are therefore another source of information.

The transcripts which have been despatched to Sydney are thus gathered from a wide field, embracing as it does the Public Record Office, the British Museum, the Home Office, the Colonial Office, the War Office, the Privy Council Office, the Admiralty, the India Office, and Somerset House. The documents had to be searched for, and the work was not without difficulty, owing to the imperfect and unsystematic way in which official records were kept in the early days. Some documents—the earlier Orders and Proclamations, for example—cannot be found at all ; others, which were believed to be missing, such as the Commissions of the early Governors, have been discovered in the Home Office, after a patient search, in which valuable assistance was given by the officers of the department. A number of the despatches copied by the transcribers in London escaped notice in the first instance because they had been placed amongst papers relating to the American colonies.

While the principal storehouse of facts concerning the early days of the Colony is the Public Record Office and the Departments of State in London, information has been obtained from other sources. Six years ago the Agent-General, Sir Saul

Samuel, acting under instructions from the Government at Sydney, purchased from Lord Brabourne a valuable collection of papers relating to the settlement of New South Wales. They were once known as "The Brabourne Papers"; they are now known as "The Banks Papers." The grandfather of the present Lord Brabourne was related to Sir Joseph Banks, and, in that way, the papers came into the possession of the Brabourne family. Sir Joseph Banks, as pointed out in Vol. I of the HISTORY OF NEW SOUTH WALES FROM THE RECORDS, took an active part in the consultations and negotiations which led to the settlement of the Colony; and there can be no doubt that his representations, founded upon what he saw of the country during his visit to Botany Bay with Captain Cook in the Endeavour, did a great deal towards bringing about the settlement of New South Wales. After the Colony had been established he watched its fortunes with a parental eye, and the deep interest which he took in its welfare is shown by the correspondence that has come, through Lord Brabourne, into the possession of the Government of New South Wales. These manuscripts are apparently only a part of the papers that Sir Joseph kept with regard to this Colony. The "Banks Papers" were discovered by accident in Sir Joseph Banks's old house in Soho Square, but these manuscripts are only a portion of the correspondence which Sir Joseph had with English Ministers, and with Australian Governors, settlers, and explorers. Many of his manuscripts relating to Australian affairs have been lost or destroyed. The papers begin with four letters from Captain Cook (originals), and go up to 1814, six years before Sir Joseph's death. The absence of letters to or from Phillip, with whom Sir Joseph Banks corresponded, the fact that there are no manuscripts of later date than 1814, and other considerations, indicate that the collection, precious as it is, is only the remnant of a large store of papers relating to the foundation and settlement of New South Wales.

The manuscripts of Governor King, referred to on page x, which have been lent to the Government by the Hon. Philip Gidley King, M.L.C., are extensive and important. They con-

sist of a Journal, in two volumes, kept partly on board the *Sirius** on the voyage from England to Botany Bay with the First Fleet of Transports, and partly at Norfolk Island, where King acted as Commandant and Superintendent from March, 1788, to March, 1790, under a Commission issued by Phillip as Governor of New South Wales and its Dependencies; a letter-book, containing copies of despatches received and sent both during King's term as Commandant and during his subsequent command as Lieutenant-Governor, under Commission from the Crown, from November, 1791, to October, 1796; four letter-books, kept during his term as Governor of New South Wales, from September, 1800, to August, 1806; and original letters and despatches, extending from 1799 to 1811. It should be pointed out with regard to the despatches recorded in the letter-books that King during his first term at Norfolk Island corresponded with Governor Phillip, from whom he derived his authority; while during his Lieutenant-Governorship at Norfolk Island and his Governorship at Sydney he was in direct communication with the Home Office and other Departments of State in England. While acting as Lieutenant-Governor of Norfolk Island, from November, 1791, to October, 1796, King wrote a Second Journal, a copy of which is amongst the transcripts sent from England to the Government in Sydney.

As the papers given in these volumes form the basis of the HISTORY OF NEW SOUTH WALES FROM THE RECORDS, which is published concurrently, they are presented without comment, and without any attempt to explain the story they tell. The proper place for description, analysis, and comment is the History itself. The Records are given here as they were found, and they speak for themselves. Where it has been considered necessary to explain the relation of papers to each other, or to give information concerning persons and places, as an aid to the reader in studying the Records, the Editor has written the necessary notes, which are printed at the foot of the page, but no alteration of the text has been made in any case. Errors of composition and spelling are allowed to go without correction; in a word, the Records as

* King came out to New South Wales as Second Lieutenant of the *Sirius*.

printed are literal transcripts of the originals. This is the plan now generally adopted in the reproduction of manuscripts; indeed no other course could be pursued without mutilating the originals. The papers are arranged in chronological order, except where a despatch of a given date contains enclosures of earlier dates; and a comprehensive Index is given with each volume.

It will be noticed in examining the Records from 1783 to 1789 that duplicates are given of some of the documents printed in Vol. I of the HISTORY OF NEW SOUTH WALES FROM THE RECORDS. It was impossible to avoid this repetition. The Records stand by themselves, and they must be given intact. For this reason, the documents published in Vol. I of the History have been reprinted; in future issues, however, repetitions will not occur. In the Historical Records will be found the full text of the papers; in the History they will be digested and explained. The writer of Vol. I made such use of the manuscripts as the space at his disposal allowed; the broader plan now adopted gives the facts in one set of volumes and the historical narrative in another. In this way the full Records will appear in print, while the History will not be burdened by long extracts and quotations. It is believed that by the adoption of this course the convenience of the reader will be consulted, and the object which the Government has in view carried into effect.

ALEXANDER BRITTON.

VOL. III.

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INTRODUCTION.

THE Records published in this Volume comprise the State Papers and other documents having reference to the administration of the Government of New South Wales by Captain John Hunter, R.N.

As might be expected, Governor Hunter is the central figure. His despatches to the Home Government are numerous and lengthy, and form in themselves a fairly complete record of the public affairs of the Colony during his period of power.

John Hunter's career in the Navy, prior to his appointment to H.M.S. *Sirius*, had been somewhat uneventful. Born at Leith, on 29th August, 1737,* he entered the Navy as captain's servant in May, 1754. In 1755 and 1756 he served, first as an able seaman, and subsequently as a midshipman, and although he passed his examination at the Navy Office for a lieutenant in February, 1760, and had, according to one authority, "acquired as great a share of professional knowledge as was to be found in the generality of young men at his time of life,"† it was not until 1780 that he received his Commission. Hunter was then 43 years of age, and had served as midshipman (1756 to 1764), master's mate (1764 to 1767), and master (1767 to 1780) in almost every quarter of the globe.

* With hardly an exception, Hunter's biographers have given the date of his birth as September, 1738. The following is the entry in the register of births and baptisms, still extant, in the parish of South Leith:—"William Hunter, ship-master in Leith, and Helen Drummond, his spouse, had a son, John, born 29th August, and baptized 1st September, 1737, with Archbald Cameron, land-waiter there, and William Hunter Taylor, Burgess, of Edge." The same register contains entries of the birth of Hunter's three sisters, Janet, Agnes, and Margaret, and his two brothers James and Archibald.

† *Naval Chronicle*, vol. vi, p. 353.

The first action of any importance in which he took part was the Expedition against Rochefort (1757), under Sir Charles Knowles. In 1759 he served under Sir Charles Saunders at the reduction of Quebec, and in 1776 Lord Howe offered him the post of master* of his flagship, the *Eagle*, in which the Admiral was setting out to assume the chief command of the North American station. Hunter accepted the post, and so distinguished himself in navigating the vessels of the fleet up the Delaware and Chesapeake and in the defence of Sandy Hook, that upon returning to England Lord Howe recommended him strongly for promotion, stating that Hunter, "from his knowledge and experience in all the branches of his profession, was justly entitled to the character of a distinguished officer." No notice, however, was taken of Lord Howe's recommendation; but a few years afterwards, when serving in the West Indies under Sir George Rodney, that Admiral gave Hunter a commission as lieutenant, and it was confirmed by the Admiralty.

From this period Hunter's promotion was rapid. In 1782 we find him first lieutenant of the *Victory*, the vessel of his patron, Lord Howe, and in November of the same year he was appointed to the command of the *Marquis de Seignelay*.

The Peace of Paris in 1783 put an end to naval promotion for the time being; but Lord Howe, who had accepted the office of First Lord of the Admiralty, did not forget his protégé, and when the scheme for transporting convicts to New South Wales was decided upon, he promoted Hunter to the rank of post-captain, and appointed him second captain of the *Sirius* under Governor Phillip.

The voyage of the *Sirius* to New South Wales, and Hunter's movements up to the wreck of the *Sirius* at Norfolk Island, as well as his voyage to England, have already been dealt with in previous volumes.

Upon his return to England an inquiry was held by the Admiralty into the cause of the wreck of the *Sirius*, and Hunter and his officers were honorably acquitted.

* The master ranked with, but was subordinate in command to, the lieutenants. He was entrusted with the navigation of the vessel under the immediate directions of the captain. The office has been abolished, and the duties are now performed by the "navigating lieutenant."

When it became known that Governor Phillip's health would not admit of his return to the Colony, Hunter, then serving as a volunteer captain on Lord Howe's flagship, the *Queen Charlotte*, addressed a letter to the Right Hon. Henry Dundas, in which he alluded to his services in the Colony and his knowledge of its requirements, and applied for the position of Governor.* This letter was backed up by one from Lord Howe to the Earl of Chatham, advocating in the strongest terms Hunter's claims.† These letters were written in October, 1793. The next allusion to the matter which the Records contain is a letter dated 4th January, 1794, from Hunter to Under-Secretary Nepean,‡ inquiring when he would be appointed to the Governorship, "as I shall have to do much to prepare myself for the voyage." The order for making out his Commission was dated 23rd January, 1794. The official notification of the appointment appeared in the *London Gazette* of 5th February, 1794; and his Commission passed the Great Seal on the following day.

The *Reliance* and *Supply* were put into Commission in March, 1794, but it was not until February, 1795, that they sailed, arriving at Teneriffe 4th March, Rio de Janeiro 6th May, and Sydney on 7th September of the same year.

Hunter's difficulties commenced as soon as he assumed office. When he accepted the position he looked forward to a life of dignity and ease, but it was not long before he was "awakened from that dream of comfort and satisfaction, the prospect of which I had so vainly indulged."§ In his first letter to the Duke of Portland he complained that there was scarcely a pound of salt provisions in the store, and that the Colony was "destitute of every kind of tool used in agriculture."||

A few weeks afterwards he complained that the military force was insufficient,¶ that there was not a barn, granary, or storehouse,** and that he was so short of convict labourers that he could not carry on necessary public works. Fully a thousand more male convicts were required.†† In fact, he assured the Duke of

* Vol. ii, p. 73. Hunter was present on Lord Howe's flagship at the celebrated engagement off Ushant, on 1st June, 1794.

† *Ib.*, p. 74.

‡ *Ib.*, p. 101.

§ *Post*, p. 674.

|| Vol. ii, p. 318.

¶ *Ib.*, p. 329.

** *Post*, p. 75.

†† Vol. ii, p. 323.

Portland that when he landed he could "scarcely call together twenty for any public purpose at Sydney,"* so entirely had they been absorbed by the military and civil officers and the principal citizens.

In December, 1795, he informed the authorities in London that he had not an article of clothing in the stores, and that the people were nearly naked.† In November of the following year a supply was received from England, but this was soon exhausted, and in September, 1798, the people were, "literally speaking, nearly naked, and great numbers without a bed or blanket to lie upon."‡ In a private letter to the Under-Secretary of the Home Department Hunter beseeched him to recollect that "the whole Colony are actually naked,"§ and complained of the anxiety he suffered from hourly petitions which he was powerless to comply with. No supplies arrived; on the other hand, while the people were "working in the fields and other places, literally as naked as the natives of the country,"|| the transports *Ganges*, *Britannia*, *Barwell*, and *Hillsborough* entered the Heads with cargoes of convicts, who had been shipped from England with nothing but the clothes in which they stood. In one instance, out of three hundred convicts embarked, ninety-five died on the passage out, and the remainder were landed in the middle of winter with nothing to cover them but the fever infected rags in which they had made the long and tedious voyage from England.

One of Hunter's greatest embarrassments arose from the number of convicts whose terms of transportation had expired, and who were consequently under no governmental control whatever. Of these, a number hung about the settlements procuring a more or less precarious living by casual labour for the officers or farmers. Others betook themselves to the woods, some living in bands, others herding with the natives. In time, these embryotic bush-rangers became the scourge of the outlying districts, living by pillaging the homesteads of the industrious settlers. In June, 1797, there were no less than seven hundred men whose sentences had expired, and who supported themselves without Government aid.¶ It must not, of course, be concluded from this that the

* Post, p. 167.

§ Ib., p. 504.

† Vol. ii, p. 346.

|| Ib., p. 691.

‡ Post, p. 493.

¶ Ib., p. 226.

expirees, as a class, reverted to their criminal practices. A large number of them became enterprising and industrious farmers, to whose efforts the extension of the settlement under Hunter was largely due; in fact, it is evident that when Hunter assumed command the emancipists and expirees were becoming an important factor in the population of the Colony. Together with the settlers from the marines, they received every encouragement from the Government in the shape of grants of land, live stock, implements and stores, and an undertaking on the part of Government to purchase their grain when garnered.*

Before Governor Hunter had been long in the Colony, he had reason to complain of the violent and mutinous conduct of the soldiery. The climax appears to have been reached in February, 1796, when the part of the New South Wales Corps off duty at Sydney, made a raid upon the house of the foreman of carpenters, who had caused one of their comrades to be arrested. After severely maltreating the carpenter, they razed his house to the ground and destroyed all his furniture. Governor Hunter immediately called upon the Corps to surrender the ringleaders, and issued warrants for the apprehension of four of the soldiers who were known to have taken part in the outrage. He wrote to the commanding officer, Captain Paterson, dilating upon the apparent disposition of the military to hold in contempt the civil power, and declared their conduct in this instance to be "the most violent and outrageous that was ever heard of by any British regiment whatever."† But before the warrants were executed Captain John Macarthur waited on the Governor, and in the name of the offending members of the Corps expressed their contrition and their willingness to indemnify the sufferer, and Hunter, somewhat weakly, withdrew the warrants. The Duke of Portland, commenting on this act of leniency, remarked that he "could not well imagine anything like a justifiable excuse for not bringing the four soldiers who were deposed against to a court-martial, and punishing them with the utmost severity."‡

When reporting the circumstances of the outrage to the British Government, Hunter seized the opportunity to inveigh against the manner in which the Corps had been recruited. He declared

* Post, p. 39.

† Ib., p. 17.

‡ Ib., p. 294.

that amongst the soldiers were to be found men "superior in every species of infamy to the most expert in wickedness amongst the convicts."* There is, however, no evidence to show that the privates of the New South Wales Corps were any worse than the average British soldier of the day. The system of recruiting was the same in both cases, and Major Grose, who had considerable experience in raising forces in England, assured the Secretary of War that "the men, in general, conduct themselves since under my command with the greatest propriety, and I am happy to say give constant satisfaction to both Army and Navy that have anything to do with them."†

It will be noticed that Hunter did not include the officers in his sweeping denunciation; they, he admitted, were powerless to prevent the soldiers from fraternising with infamous characters, to which he attributed their turbulent tendencies. He suggested that they should be relieved once in three, four, or five years, as other garrisons were, and in all probability had this advice been acted upon the disturbances which culminated in the deposition of Governor Bligh would not have occurred. But, although Hunter exonerated the officers in this particular, in another respect he held them to a great extent responsible for the "confusion, disorder, and licentiousness"‡ of which he so constantly complained in his despatches.

The system introduced by Lieutenant-Governor Grose of purchasing the produce of officers' farms, while it helped the Government to tide over many a period of scarcity, was the indirect cause of incalculable mischief. Confined at first to the purchase of wheat or maize, the system gradually extended until many of the officers appear to have paid almost as much attention to the interchange of goods as they did to their professional duties. Hunter complained frequently and bitterly to the Government on this point. Writing on the 1st June, 1797, he remarked that "this spirit for trade, which I must ever consider in the manner it is carried on here to be highly disgraceful to men who hold in their hand a Commission signed by His Majesty, has been carried so far that it has now reached all the inferior appointments, so that it has absorbed all their time and attention, and

* Post, p. 65.

† Vol. i, part 2, p. 373.

‡ Post, pp. 168-9.

the public duty of their respective offices are entirely neglected, to the no small injury of His Majesty's Service."* On the 10th January, 1798, he returned again to the subject, assuring the Duke of Portland that "unless some mode is established for putting an effectual stop to the trading of the officers and others, and consequently to the immense prices from time to time imposed upon the articles in requisition, instead of our cultivation increasing, I fear we shall raise less grain every year. The settlers are so frequently ruined, their crops mortgaged, their persons imprisoned, and their families beggared."†

It is a noteworthy fact that while Hunter's despatches to the Duke of Portland and to Under Secretary King contain repeated complaints of the servants of the Crown, military and civil, engaging in trade, and even trafficking in spirits, yet we look in vain for any Public Order or Proclamation in which the most distant allusion was made to the subject. The practice of retailing spirits in unlicensed houses, the interchange of grain for spirits, and the erection of stills were prohibited under the severest penalties; but nowhere do we find any distinct, specific order, such as we might expect, that "no officer, civil or military, shall be allowed to engage in trade."

Wearied, at length, of Hunter's reiterated complaints that the difficulties he had to contend with, and the depravity and poverty of the lower orders, were directly traceable to the spirit traffic, the Duke of Portland informed him, plainly, that the remedy lay in his own hands; that "it is certainly within your power, as well as it is your duty, to prohibit, by the most positive orders, all officers of the Government, civil or military, from selling any spirituous liquors to the convicts or settlers."‡

So universal had the practice of officers engaging in trade become, that in June, 1798, an agreement§ was entered into by the *whole of the military officers* and some of the principal inhabitants of the Colony to act as factors in regard to shipments of goods imported into the Colony by private speculators. By this agreement an undertaking was entered into to elect two officers,

* Post, p. 212. † Ib., p. 346. ‡ Ib., p. 490.

§ The terms of this agreement will be found on page 405, post.

who, on behalf of the whole, should purchase such "goods, wares, or merchandise" as were brought into the harbour for sale in any private vessel. The parties bound themselves in a penalty of £1,000 not to purchase any goods which their representatives had been unable to procure, even though the same had become the property of a private individual, and were exposed in the town for sale. They further undertook to "avoid the company of any individual, and to consider him an infamous character," who departed from the agreement. Hunter, strangely enough, did not realise how dangerous a privilege the officers were claiming; on the other hand, he regarded it as an indication of public spirit on their part, and in Public Orders* advised the inhabitants to keep their "money until they are apprised by Public Notice that a cargo has been bought, the officers having undertaken the trouble of officiating as agents for the general benefit of the whole Colony."

The Duke of Portland did not, however, view the matter in the same light. He informed Hunter that he was apprehensive lest the Public Order should be construed "as a sanction to officers engaging in traffic, and as an apology for the proceedings, which I have but too much reason to fear may be found to have disgraced his Majesty's Service in the persons of several officers of the New South Wales Corps."† He even went further, and on 26th February, 1799, informed Hunter that the practice of officers dealing in trade, other than the produce of their farms, was so utterly inconsistent with their professional character and the duties annexed to it, that he could not bring himself to believe that Hunter had allowed a suspicion of it to remain unsatisfied, and that in case his tenderness for the profession had made him unwilling to take action, he was immediately to hold an investigation, and if satisfactory proof was forthcoming, the offending officer was to be sent home for trial.‡ At the same time, the Commander-in-Chief directed Lieut.-Colonel Paterson, who was then in London, to embrace the earliest opportunity of returning to his regiment, "where it is hoped your presence will materially contribute in some

* Post, p. 408.

† *Ib.*, p. 734.‡ *Ib.*, pp. 637, 638.

measure to restore the credit which has hitherto attached to the character of a British officer, but which has in this instance been sullied."*

These were not by any means the only difficulties which Hunter had to contend with. Many of the inferior civil officers were of little or no use. Two of them he complained were "sad impositions."† A third was an "incorrigible drunkard."‡ He was hampered by a number of helpless invalids, who were merely a dead weight on the store. He was short of naval stores and fire-arms, and "the boats were gone to ruin and decay." The indiscriminate traffic in spirits, and the excessive consumption thereof by the lower orders of the people, had been carried on "to the destruction of all order; to the almost total extinction of every spark of religion; to the encouragement of gambling; the occasion of frequent robbery's; and, concerned am I to add, to several very recent and shocking murders."§ Nothing, he assured the Duke of Portland, but an immediate correction of the abuses which existed would prevent the colony from being "a disgrace to the country under whose protection we live, . . . and a continual load upon her shoulders."|| He bitterly complained that he was confronted with accumulated difficulties, which had been "continually growing from some unfortunate cause or other, and obstructing every endeavour and exertion I use for the welfare of this distant colony";¶ and that the object appeared to be to "heap one vexation on another until the weight should be felt too heavy for me singly to bear."** No better proof can be given of the lax system which prevailed under the military *régime* than the fact that Hunter found, soon after his arrival, that 150 settlers were in possession of farms with no other title than a slip of paper on which the Commanding Officer had written, "A. B. has my permission to settle,"†† and that numbers of these settlers were convicts, whose sentences had not expired.‡‡

That the general tone of Hunter's despatches was one of complaint, and frequently of querulous complaint, is true; but

* Post, p. 640.

§ Ib., p. 169.

** Ib., p. 551.

† Ib., p. 73.

|| Ib., p. 216.

†† Ib., p. 167.

‡ Ib., p. 74.

¶ Ib., p. 550.

‡‡ Ib., 217.

it is none the less true that he firmly believed in the ultimate prosperity of the settlement. He informed the Duke of Portland that, notwithstanding the abuses which existed, he had not the shadow of a doubt that the colony would prosper.* In a letter to Under-Secretary King he assured him that although the settlement might not have answered the expectations of Government, yet that he was confident the fault did not lie in the nature of the country.† And in a private letter to Sir Samuel Bentham, after dwelling on the abuses which existed, we find him asserting that the country was a good one and would do well.‡

The interest taken by Sir Joseph Banks in the Colony continued unabated during the governorship of Captain Hunter. He procured from the British Government the most liberal concessions to persons desirous of leaving England as emigrants.§ He was indefatigable, as the correspondence published in this volume will show, in procuring plants, seeds, and useful implements and machinery for the Colony, and in sending out scientists and others to develop its resources, to explore its coasts, and to penetrate into its interior.

At a time when it was the custom in England to regard the Colony as an expensive and useless encumbrance, Banks alone looked cheerfully to its future. He appears to have been firmly convinced that the newly acquired island-continent would in time compensate the mother country for the loss of her American dependencies. When, to use his own words, the situation of Europe was so critical that Ministers had no time for aught else, and colonies of all kinds were put in the background,|| he found leisure to write at length to Hunter, thanking him for the "very particular account" he had received of the affairs of the settlement, and assuring him that—

"Your Colony is already a most valuable appendage to Great Britain, and I flatter myself we shall before it is long see her Ministers made

* Post, p. 169.

+ Ib., p. 210.

‡ Ib., p. 675.

§ The terms which were to be allowed to settlers will be found on p. 411, post. They were each to have a house built at Government expense; two hundred acres of land or more, according to their means; they were to be given implements of husbandry, and themselves and families fed for twelve months from the King's stores; convict labourers, according to their means, were to be allowed them, and these convicts would be supported by Government for nine months; and the settlers and their families were to receive free passages out and decent separate cabins.

|| Post, p. 532.

sensible of its real value. Rest assured in the meantime that no opportunity will be lost by me of impressing them with just ideas of the probable importance to which it is likely before long to attain, and to urge them to pay to it that degree of attention which it clearly deserves at their hands."*

He expressed his belief, grounded on his own observations, that the climate and soil were "superior to most which have yet been settled by Europeans."† He congratulated Hunter on his prospect of modelling the rising settlement into a happy nation, and prophetically added, "I see the future prospect of empires and dominions which now cannot be disappointed."

So gloomy was the political outlook in England that he would willingly—

"Remove myself and family to your quarters and ask for a grant of land on the banks of the Hawkesbury. . . . Pitt rules, Fox grumbles, the French beat all whom they attack, and the King of Prussia threatens all who assist the Emperor. . . . I am a bird of peace. My business as an encourager of the transport of plants from one country to another is suspended during war, and then, as I am no politician, I am the least employed when all other people are in hurry and bustle."‡

Banks did not confine himself to expressions of belief in the ultimate importance of the Colony. When H.M.S. Porpoise was being equipped for the conveyance of Lieutenant-Governor King to the Colony, he persuaded the Government to provide a plant-cabin, in which a vast number of useful plants and fruit-trees could be conveyed to the Colony. He secured the services of a practical gardener to attend to them during the passage; and sent out and supported, at his own expense, a botanist, with directions to devote his whole time to the study of the flora of the Colony.

On page 382 will be found an interesting letter from Sir Joseph Banks to Under-Secretary King, urging, amongst other things, the advisability of exploring the interior of New Holland, and submitting an offer from Mungo Park, the celebrated African traveller, to undertake the work. Banks proposed that Mungo

* Post, p. 532.

† Ib., p. 202.

‡ Ib.

Park should be provided with a vessel of about 30 tons, to be commanded by Lieutenant Flinders, "a countryman of mine," and undertook, if the scheme was agreed to—

"To draw up instructions for all parties, and to correspond with them during the execution of their plans, under the superintendence of your office ; such hopes have I of material discoveries being made, and such zeal do I really feel for the prosperity of a colony in the founding of which I bore a considerable share."

For some reason, now unknown, Banks's proposal was not acted upon ; but it is evident, from the Duke of Portland's letter to Governor Hunter, of the 18th September, 1798,* that the Government in the first instance agreed to the proposal.

Hitherto the obligations of this country to Sir Joseph Banks have not been generally recognised. It will be seen, however, as the publication of these volumes proceeds, that at the foundation of the settlement, and for many years afterwards, he was its zealous and indefatigable advocate. The British Government looked to him for advice even in matters of the smallest detail. He it was, practically, who appointed Governors or recalled them. No labour, no expense, was too great, no applicant for the protecting *ægis* of his patronage was too insignificant, if he thought he could advance the interests of New South Wales.

Very great credit is due to Governor Hunter for his encouragement of exploration, both by sea and land. In November, 1797, he fitted out a whaleboat, and sent George Bass, the surgeon of the *Reliance*, a young man, the memory of whose name and deeds is still green, to investigate the coast south of Port Jackson. Bass's journal describing his movements from day to day will be found in its entirety on pages 312-333.† It was on this expedition that the strait which still bears Bass's name was discovered, and the land between Sydney and Western Port examined.

In December, 1798, Hunter commissioned Lieutenant Matthew Flinders to proceed with Bass in the Colonial-built vessel, the *Norfolk*, to Bass Strait. They were absent more than three months, and during that time completely circumnavigated

* Post, p. 492.

† For the loan of this and other valuable manuscripts, the Editor is indebted to the Honorable Philip Gidley King, M.L.C., grandson of Governor King.

Tasmania, or, as it was then named, Van Diemen's Land. The account of the voyage is given in Appendix B, post, pages 769 to 818. In Appendix C, post, page 819, will be found accounts of two attempts to penetrate into the interior, undertaken at the direction of Governor Hunter. One usually accurate writer,* referring to the account of these expeditions given by Collins, treats them as mythical. There is doubtless much difficulty in tracing the movements of Wilson and his companions, but the discovery of Hunter's letters† to Banks, of 29th July and 21st August, 1801, leaves no doubt that the rough accounts brought back by these men were credited by Hunter.

The extent to which the settlement had expanded during Hunter's term of office can be gathered from the maps which are reproduced in this volume: that which forms the frontispiece was prepared by the Deputy-Surveyor of Lands, Charles Grimes. The only date it bears is "1796." It shows the farms then in existence, and gives the names of the holders. Facing page 72 will be found a map by Governor Hunter, which he forwarded in August, 1796, to the Duke of Portland, with a private letter, stating that the object of the map was merely to give him a general idea of the situation of the various settlements. This is evidently the map from which the chart, which forms the frontispiece to Collins's work, published in 1798, was engraved. A comparison of this map with that which faces page 347 (10th January, 1798), shows the extension of agriculture during eighteen months. New settlements had sprung up on the right bank of the Hawkesbury River, near where the town of Richmond now stands. Two new centres appear, one named Bankstown, which still survives, the other Portland Place, which has disappeared from modern maps. The country between Mount Hunter and the coast line had been examined, and the number of farms at and around Prospect Hill and Toongabbie, and on the road to the Hawkesbury, had considerably increased.

Some of Hunter's Public Orders, published in this Volume, give us vivid glimpses of primitive Sydney. Under the severest penalties those living on the banks of the Tank Stream were forbidden to dip vessels into the stream "above the tanks,

* Rusden, vol. i, pp. 199-201. † Post, pp. 819, 820.

and thereby disturb and thicken the whole stream below.”* The inhabitants of the town were forbidden to allow their hogs to “range at large”;† no one was allowed to build a boat of any size or description without permission in writing from the Governor,‡ and each boat had to be numbered and registered. The slightest alteration in the weekly ration; the settlement of the hours of labour; the wages of labourers; the price of maize and pork; the compulsory attendance of convicts at church; any signal success of the British arms in Europe,—all were deemed of sufficient importance to warrant separate Government and General Orders.

Amongst other papers which have been brought to light by the indefatigable exertions of Mr. James Bonwick, not the least interesting are a number of letters addressed to the London Missionary Society by the missionary refugees from Tahiti, resident at Sydney. Their descriptions of the social conditions of the settlement under Hunter will be found on pages 707, 711, and 731, post. In much the same strain, the chaplains, the Reverend Richard Johnson and the Reverend Samuel Marsden, give their views upon the morals of the community, each attributing the abuses and depravity which they inveighed against, to the innovations introduced during the period which intervened between the departure of Governor Phillip and the arrival of Governor Hunter.§

The summer of 1798-9 was remarkable for one of the first protracted droughts on record. For ten months scarcely a shower of rain fell.|| The drought was followed by a disastrous flood in the Hawkesbury River, of which the local weather conditions gave no warning. The banks were “overflowed with vast rapidity.” The Government store and all the provisions it contained were swept away. The river rose to more than fifty feet above its common level, and the torrent was so powerful that it carried all before it. Settlers’ houses and furniture, live stock and provisions, were alike swept away, and “the whole country looked like an immense ocean.”¶

* Post, pp. 10, 206, 518, 531.

† Ib., pp. 37, 60, 195, 201.

‡ Ib., pp. 60, 304.

§ Ib., pp. 432-437 and 439-442.

|| Ib., p. 665.

¶ Ib., p. 668; see also Collins, vol. ii, p. 199.

In view of the inhuman treatment which it has been seen in previous volumes was meted out to the convicts during the voyage from England to the Colony, it is not to be wondered at that many attempts were made by the prisoners to seize the vessels. Some of these attempts will be found described at length in the pages of this volume. It must not, however, be concluded that the convicts were the sole offenders in every instance. At times the soldiers conspired with them; and in one notable case, the guard, selected apparently with a lamentable lack of discretion, mutinied, and after killing the captain and mate, turned the principal officers adrift in one of the ship's boats and navigated the vessel to the eastern coast of South America.*

Before he had been a year in office Hunter came into collision with some of the officers of the New South Wales Corps—particularly with Captain John Macarthur. When Hunter arrived Captain Macarthur held, in addition to his military appointments, the post of Inspector of Public Works. Hunter retained him in that capacity and in October, 1795, informed the Duke of Portland that he considered the Captain "extremely well qualified"† for the position. In February, 1796, we find Macarthur resigning his appointment in consequence of the "loss of that confidence which your Excellency was once pleased to express."‡ The Records contain no further clue as to the relations which existed between the Governor and the Captain consequent on the latter's resignation; but in August, 1796, we find Macarthur addressing an official letter to Hunter, in which he made various suggestions for reducing the expenses of the Government. Macarthur, at this time, was a prosperous and successful farmer. He had sixty acres sown with wheat, sixty-six acres preparing for Indian corn, five acres for potatoes, and ten acres in gardens and vineyards, while his live stock consisted of fourteen cows, five oxen, eight mares, two hundred and ninety-eight sheep, one hundred and sixty-two goats, fifty breeding sows, and upwards of one hundred growing pigs.§ He offered to feed his convicts with bread and to pay the English price of all meat consumed by his convict

* See the case of the *Lady Shore*, Post, pp. 392 and 413.

† Vol. ii, p. 327.

‡ Post, p. 27.

§ *Ib.*, p. 68.

servants,* and undertook within eighteen months to support them and supply them with clothing, tools, &c., free of cost to the Government.

In September following Macarthur addressed a lengthy letter† to the Duke of Portland, in which he openly impeached the administration of Governor Hunter. He declared that "the interest of Government is utterly disregarded, its money idly and wantonly squandered, whilst vice and profligacy are openly countenanced"; that it was on account of this extravagance that he had felt forced to resign his post of Inspector of Public Works; that he had offered to take one hundred men off the stores, but Hunter declined, although there were more than three thousand on the Commissary's books; that not an acre of public ground was under cultivation, and no buildings of any consequence were being constructed; and that Hunter had purchased grain at an "expense of near eight thousand pounds" when there was abundance in the store, and it would certainly not be wanted. The live stock, he declared, was dying out, and "those whose situations require the most particular circumspection of conduct are the most openly dissipated and abandoned." This letter the Duke of Portland sent back to Sydney to Governor Hunter for his report,‡ and, in doing so, expressed a hope that Hunter would adopt any of Macarthur's suggestions which would tend to the advantage of the colony and the reduction of its expenses. Hunter replied at great length on the 25th July, 1798. His letter, full of bitter recriminations, and couched in the most intemperate language, will be found on page 418 *et seq.* With it, he forwarded to England reports from the two chaplains and Surgeon Arndell, concerning the moral state of the colony prior to his arrival, and the abuses which followed the displacement of the civil by the military power, during the administration of Lieutenant-Governors Grose and Paterson.

In November, 1799, the authorities at Whitehall put into execution an intention evidently formed months before, and recalled Hunter. The despatch containing his recall will be

* *Ibid.*, p. 71. † *Ibid.*, p. 131. ‡ *Ibid.*, p. 293.

found on page 733. In it the Duke of Portland expressed his disapprobation of the manner in which Hunter had administered the Government in several important particulars, and concluded by announcing the King's pleasure that he should return to England by the first safe conveyance which offered after his successor, Lieutenant-Governor King, had arrived.

A considerable amount of light is thrown upon the character and disposition of Governor Hunter by the Records published in this volume. "The Governor," wrote one who knew him, "is a pleasant, sensible old man."* Another of his contemporaries describes him as a man "whose virtue and integrity is as conspicuous as his merit."† Every line in his despatches and Public Orders bears evidence to his probity and honesty of purpose, and even his enemies did not deny that he had administered the Government with clean hands.‡ There can be little doubt, however, that the majority of the abuses of which he so repeatedly and bitterly complained were distinctly assignable to a want of firmness on his own part, and to his lack of that decision of character and force of personality without which it was practically impossible, in a colony such as New South Wales then was, to establish or maintain order and regularity.

There are many allowances, however, to be made for Governor Hunter. When he arrived in the Colony he was nearly sixty years of age: he had seen well nigh fifty years of active service; and by far the greater part of his life had been spent in subordinate positions.

Hunter was relieved by Captain Philip Gidley King in September, 1800. The British Government allowed him a pension of £300 per annum. He was promoted to the rank of Rear-Admiral on 2nd October, 1807, and Vice-Admiral of the Red on 31st July, 1810.

After a lengthened search in London, Mr. James Bonwick succeeded in discovering Hunter's grave, which had long laid neglected and forgotten. It is situated immediately at the rear of the east end of Hackney Church. The inscription on the

* Post, p. 730.

† Vol. ii, p. 778.

‡ Post, p. 636.

monument is somewhat lengthy. Hunter's sixty-eight years of service in the Navy are mentioned, and also his services in New South Wales. He died in Judd-street, London, on the 13th March, 1821, aged 83 years. The *Times* on the following day, in announcing his death, referred in the highest terms to the services he had rendered his country, and to his wide-spread reputation for liberality and benevolence.

F. M. BLADEN.

November, 1895.

HISTORICAL RECORDS

OF

NEW SOUTH WALES.

REV. SAMUEL MARSDEN TO THE SOCIETY FOR THE PROPAGATION
OF THE GOSPEL.

1796

2 Jan.

NOTE.—At a meeting of the Society held on 21st December, 1797, a letter was read from the Rev. Samuel Marsden, dated, "Parramatta, New South Wales, 2nd January, 1796," and enclosing a letter from Lieut.-Governor P. G. King relative to education at Norfolk Island.

The extract from the minutes of the Society runs as follow :—

"Mr. Marsden writes that he conceived the highest opinion of Governor King and of his goodness and humanity, from the apparent order and regularity among the inhabitants of that island. His whole attention seems occupied in promoting the real interest of those he has the honour to command. In one part of the island he has built a school for the girls, and committed them to the care of Susannah Hunt, who appeared to be well qualified for her situation. The boys are taught in the town of Sydney (Norfolk Island) by Thomas Macqueen, who was once a schoolmaster in England, and hath merited by his good conduct the opinion of the Governor. The number of children in August, 1795, was 75, some of whom have neither parent or friend to superintend their bringing up, as many of the fathers whose time of transportation have expired have left that part of the world. If the Society should be pleased to allow any salary for the schools, or for any other purpose, and will pay it into his agent's hands, Mr. Ambrose Martin, banker, in Finch-lane, Cornhill, he will pay the same sum to those who are to have it, and any money for the benefit of the orphans shall be as faithfully applied to the purposes intended.

Norfolk
Island.

Education.

1796
2 Jan.
—
Johnson
silent.

"The secretary acquainted the committee that he had enquired of Mr. Martin whether the last money from the Society paid to him had been remitted to New South Wales, and received this answer: That he had written to Mr. Johnson that such a sum had been paid into his hands, to which he had had no reply.

"Agreed, therefore, that as no information had been received concerning the two schoolmasters in New South Wales which were appointed by the Society in the year 1794, the Committee do not think it advisable to enter into fresh engagements."*

GOVERNMENT AND GENERAL ORDER.

9 Jan.

9th January, 1796.

Parole—Reading.

Countersign—Berkshire.

Military
officer for
Norfolk
Island.

THE service requiring that a captain should command the detachment of the New South Wales Corps on duty at Norfolk Island, the commanding officer of that regiment will cause a captain to embark on board his Majesty's ship *Reliance* for that purpose. Whatever arrangements he may think it necessary to make on this occasion must be completed by the 15th instant, as the 18th is fixed for her departure.†

JNO. HUNTER.

INDIAN OFFICIALS TO GOVERNOR HUNTER.‡

11 Jan.

Sir, Fort William, Calcutta, 11th January, 1796.

We have the honor to address you by Captain Raven, of his Majesty's storeship *Britannia*, who proceeds from hence with part of a cargo of salt provisions for the use of your settlement, which we hope he will complete at Madras, having received every assistance and interference of this Government for that purpose.

British
troops in
India.

The very reduced state of the European troops, artillery and infantry, on this establishment, and the little probability of our receiving any considerable supply of recruits from England during the war, has induced our Commander-in-Chief to suggest the expediency of endeavouring to recruit our European corps from among the men whose time of servitude may have expired at your colony; and the encouragement we have had to believe, from our enquiries of Captain Raven and others, that a number of

Proposal
to recruit
from colony.

*The two schoolmasters appointed by the S.P.G. in 1794 were William Webster and William Richardson. They each received £10 per annum. In the report for 1796 both their names appear, but not in that for 1797, Webster having been dismissed for bad conduct. In 1797, Thomas Macqueen and Susanna Hunt, both of Norfolk Island, were voted a like sum, continuing for several years. In 1802 payments were made to Isaac Nelson and Thomas Tabor, of Sydney, with Thomas Macqueen and Susanna Hunt, of Norfolk Island. Nelson and Tabor appear in the reports up to 1810. A change appears in the reports for 1811, in which year grants of £10 each for five schoolmasters of New South Wales and two of Norfolk Island were made. The same statement is made for the following thirteen years. The allowance was voted in one form or another by the Society up to 1830. The report of October, 1798, notes that the Rev. C. Haddock was appointed a missionary to go to Norfolk Island; but in November, 1800, as he had not left England, and had drawn several sums in advance, his name was struck off the list of missionaries.

† The *Reliance* sailed on the 21st January, 1796, having on board Captain Johnston, of the New South Wales Corps, and Judge-Advocate Hibbins.—Post, p. 5 (note).

‡ History of New South Wales, vol. ii, p. 90.

RECRUITS FOR INDIA.

3

stout young men may be obtained among them, induces us to wish to make the experiment, provided it meets with your sanction and support, which we are inclined to hope it will, as the plan comprises two objects of great national importance: First, in the additional security it may afford to the British possessions in India, by keeping up our European force; and secondly, by holding out a future profession and pursuit to a class of men in which they may become useful to their country, instead of returning to those habits and practices which first occasioned their expulsion from it.

1796

11 Jan.

Advantages
of the
proposal.

On consulting with Captain Raven, we find that if your concurrence be obtained, and provided you have no immediate service on which his ship can be more usefully employed, he is willing, after receiving his discharge from the service of Government, to proceed with 200 recruits to Bengal, where we have agreed to allow him £12 per man for the passage and subsistence of each recruit he may land at Fort William.

Passage-
money.

It would have been satisfactory to this Government to have consulted your opinion on the probable success and eligibility of the plan before any steps were taken to put it into practice; but as a considerable time must have elapsed before we could have been favoured with your answer, we have thought it most desirable to make this provisional arrangement with Captain Raven, and have also availed ourselves of his offer to afford accommodations to an officer of this establishment who proceeds in the *Britannia*,* furnished with instructions for the recruiting service, which he will have the honor to lay before you, together with a surgeon † who has offered to proceed also by the above conveyance, to attend the recruits on their passage to Bengal.

Recruiting-
officers.

We have only to add that if the measure promises on trial to be productive of the advantages we expect from it, and that the people show a disposition to enter the Company's service on the terms and under the restrictions which the recruiting instructions will specify, we should wish you to take advantage of any other vessels coming to Bengal for cargoes to send us as many recruits from time to time as may be procured, and we will make the same allowance to the owners for their passage and subsistence as to Captain Raven, and will engage to pay the bounty-money on the arrival of the recruits in Bengal.‡

Future
shipments.

We have, &c.,

J. SHORE.

ROBT. ABERCROMBY.

P. SPEKE.

WM. COWPER.

* Lieutenant Campbell.—Collins, vol. i, p. 475.

† Mr. Phillips.—Ib.

‡ The proposal was not favourably received by Hunter. He declined to take any action without instructions from the Secretary of State, to whom he referred the correspondence, and in doing so gave it as his opinion that none but the most intractable characters should be encouraged to leave the colony (post, p. 69). His action was approved (post, p. 801).

1796

GOVERNMENT AND GENERAL ORDER.

13 Jan.

13th January, 1796.

Parole—Nova Scotia.

Countersign—Halifax.

The price of
wheat.

THE price of wheat for this season is fixed at ten shillings per bushel,* it appearing to the Governor, from the representations of the settlers of several districts, that for this year they cannot sell it under that price; but he wishes them to understand that a reduction is intended to be made in the ensuing season, unless some unforeseen and unavoidable circumstances should prevent him.

The Commissary will, from Monday next, the 18th instant, purchase and receive into the public stores, from settlers and other persons, wheat properly dried and cleaned, at the above price.

JNO. HUNTER.

MUTINY ON THE MARQUIS CORNWALLIS.†

15 Jan

EXTRACT of a letter from an Officer on board the Marquis Cornwallis, Indiaman, to his brother, in London.

Convicts
attempt
to seize
a transport.

ON the 11th of September we discovered a most desperate plot formed by the men convicts, who, to the number of one hundred and sixty-three, are the most horrid ruffians that ever left the kingdom of Ireland. They were on the point of putting the captain, officers, and ship's company to death, when one of them, either through fear of punishment or from a hope of reward, discovered the whole affair. It was a common practice for Capt. Hogan and the officers of the deck to go down and see that their births were clean twice a week, at which time they were to watch an opportunity to seize the captain, surgeon, and such other officers as went down with them, whom they were to put to death with their own swords, and force their way upon deck, where they were to be assisted by the serjeant, corporal, and some of the private soldiers, who were to dispatch the officers upon deck, and also to supply the convicts with arms. We got upon deck the ringleaders, to the number of forty, who, after a severe punishment, confessed the whole. We thought this might put a stop to any further proceedings; but in this we were much mistaken. About two nights after they made an attempt to break out. They began by strangling the man who discovered the plot, whilst the rest were to force down the bulkhead, force their way upon deck, put those not in the plot to death, and take possession of the ship, or die in the attempt.

Details of
the plot.

A second
attempt

The captain and officers did all in their power to appease them by fair words, and also by threats; but all would not do. They were desperate. Capt. Hogan rushed down the fore hatchway, followed by Mr. Richardson and three more of the officers and

* This was the price paid by Lieutenant-Governor King at Norfolk Island.—Post, p. 6.

† Reprinted from *Edinburgh Advertiser*, January 15th, 1796. The letter was dated 22nd October, 1795, and was written from St. Helena.

myself, armed with a pair of pistols and cutlass each, where
began a scene which was not by any means pleasant. We stuck
together in the hatchway and discharged our pistols amongst them
that were most desperate, who, seeing their comrades drop in
several places, soon felt a damp upon their spirits. Their courage
failed them, and they called out for quarter. I broke my cutlass
in the affray, but met with no accident myself. There were none
killed upon the spot, but seven have since died of their wounds.
The serjeant was severely punished, and is since dead.*

1796

15 Jan.

A desperate
encounter.

GOVERNMENT AND GENERAL ORDER.

16th January, 1796.

16 Jan.

Parole—Carnigy.

Countersign—Northesk.

MONDAY next, the 18th instant, being the day appointed to be
observed as the anniversary of her Majesty's birthday, the New
South Wales Corps will parade and fire three volleys at 12 o'clock.

The Queen's
birthday.

JNO. HUNTER.

GOVERNOR HUNTER TO LIEUTENANT-GOVERNOR KING.

Sir,

Sydney, 18th January, 1796.

18 Jan.

I have received your favor of the 21st December, by the
Francis, schooner, and assure you that I feel much concern at the
account you give of your health. As I am strongly of opinion that
a change of air or climate might be the means of restoring your
former constitution, allow me to recommend your embarking in
the Reliance for Port Jackson, leaving the care of the settlement
to the officer† who will arrive at Norfolk Island in that ship, and
who will avail himself in the management of its concerns during
your absence of such copy of your instructions as may be necessary
for his guidance; and as Mr. Hibbins, the Judge-Advocate for
your settlement, will also join you by the Reliance, the business
relating to the duties of a Justice of the Peace will be managed by
him, so that there does not appear any reason to believe that the
service can suffer from your being absent for such time as may be
necessary for the restoration of your health. Had the Patent for
the convention of a Court of Jurisdiction been sent out by Mr.
Hibbins (which, unluckily, has been neglected),‡ in that case I should
have ordered another officer to the island during your absence, in
order to there being a sufficient number to compose a Criminal
Court, should it be necessary. The necessity there appears for your
purchasing a quantity of wheat from settlers, in order to your
bringing round the next harvest, requires only that I should

King's
ill-health.Judge-
Advocate
Hibbins. ✓

* See the inquiry held at Sydney.—Post, p. 102.

† Captain George Johnston, of the New South Wales Corps. He was, however, forced to
quit the island by reason of ill-health before the departure of Lieutenant-Governor King;
and Captain Townson, of the New South Wales Corps, was sent from Sydney, in September,
1796, to take charge.

‡ The Patent was sent out in the Marquis Cornwallis, which arrived at Sydney in
February following.

1796
18 Jan. approve of your taking what you want at ten shillings per bushel, and to have the bills in payment drawn, as formerly, by the Deputy Commissary, addressed to the Commissary here, and approved by you*.

Wheat purchased from settlers. Stores.

Assistant-Surgeon Jamison.

Observing that you have sugar and molasses for two weeks only, I have directed the Commissary to send some sugar.

Grants of land and labour.

Mr. Jamison, the Assistant Surgeon, having applied to me to be granted the same indulgencies in quantity of land and assistance of labour which have been allowed to those doing duty in that station here, and as I think it but an act of common justice that he should have every encouragement which have been offered to them, I have to desire that, if you see no particular inconvenience to the concerns of Government, you will allow him five acres of that ground which has been cleared but is at present out of cultivation, in addition to his seven acres and hospital garden ; and with respect to an addition to the number of men he at present has, you must be the best judge how far he can be gratified in that without an inconvenience to the public concern. The Assistant Surgeons here, by a regulation of Lieutenant-Governor Grose, have been allowed ten, but I do not conceive the same number is necessary on the soil of Norfolk Island, and where the grants of land to be cultivated are not so extensive. Whatever addition you can consistently allow him, under the number above mentioned, will be considered by me as sufficient.

Guns of H.M.S. Sirius.

I shall be glad to have sent such of the guns and carriages belonging to his Majesty's late ship Sirius as can be put on board the Reliance, or which can be sent here by any future opportunity.†

I am, &c.,

JOHN HUNTER.

19 Jan. RETURN of Storekeeper, Superintendant, and Master Carpenter, necessarily employed, and will remain on Norfolk Island. Jan. 19th, 1796.

Names.	Where and how Employed.
William Neate Chapman ..	Storekeeper, at Phillipburg, and assists the Lieut.-Governor in different parts of the execution of his office, from 12th Dec., 1791.
Martin Timms	Acting Superintendant. Is of the greatest publick utility in directing cultivation and superintending the convicts. Date of appointment as per annexed copy of a letter to Mr. Secretary Dundas.
Nathl. Lucas	Acting Master Carpenter, in the room of William Pente. Dead since June 11th, 1795.

PHILIP GIDLEY KING.

* A quantity of the wheat harvest of 1795 having been destroyed by thunderstorms, King purchased 230 bushels of wheat from the settlers at 10s. per bushel.

† In compliance with a private note from Governor Hunter, dated 13th May, 1796, Lieutenant-Governor King allowed Captain Hogan, of the Marquis Cornwallis, to arm his vessel with four of these guns and 140 rounds of shot. One of the Sirius's guns is preserved at the Macquarie Lighthouse, South Head, Sydney.

WHEAT BOUGHT FROM SETTLERS.

7

RETURN of Superintendants, who have been necessarily employed, and are to leave the island, with Governor Hunter's permission, in the Reliance. 1796 19 Jan.

Names.	Where and how Employed.
D'Arcy Wentworth	Superintendent at Queenboro', and has the medical treatment of half the numbers on the island. From 12th Dec., 1791.
John Jamieson	Superintendent at Phillipburg. From Dec. 22nd, 1792.

PHILIP GIDLEY KING.

LIEUTENANT-GOVERNOR KING TO THE DUKE OF PORTLAND.

My Lord, Norfolk Island, 19th January, 1796.

The enclosure will inform your Grace by what opportunity I have the honor of forwarding this despatch. Capt. Bampton and the Endeavour

The distressed state of the master and people belonging to those vessels has induced me to comply with his request in the manner stated in the enclosure, which I hope will meet your Grace's approbation.

I have the honor to transmit copies of such official communications as have taken place between Governor Hunter and myself.* King's correspondence. From the very short stay of those vessels, and my present ill state of health, I hope this will appear the most satisfactory information respecting the present state of this island, as no material change has taken place since the date of my last letter to Governor Hunter.

It being found necessary to purchase two hundred and thirty-two bushels of wheat from settlers, &c., to issue during the late harvest, I directed the Deputy Commissary to receive the same; and as this is the first wheat purchased on this island, I have been guided in the price (i.e., 10s. the bushel) by what is given at Port Jackson, payment for which has been made agreeably to Governor Hunter's directions to me on that behalf, proper vouchers for which (and some orders that I have deemed it necessary to give respecting the receipt of, and authenticating the payment for, such grain and animal food as it may be necessary to purchase from individuals to issue to those victualled from his Majesty's stores), addressed to the Secretaries of his Majesty's Treasury, I have the honor to enclose, and have left it open for your Grace's inspection. Wheat purchased from settlers. Payment for stores.

As no salt meat has been lately issued to those victualled from his Majesty's stores, I have directed the Deputy Commissary to state on the back of the enclosure the quantity of fresh pork received from settlers, &c., at 6d. the pound, and that furnished by Government, since the last payment, to issue in lieu of the salt Fresh meat.

* These letters principally refer to matters of routine, and to the projected departure of King for England.

1796 ration reserved in the stores, payment for which will be made on
19 Jan. the arrival of his Majesty's armed vessel *Reliance*, which I expect to see every hour.

I have the honor to enclose lists of persons of different descriptions landed here from the *Fancy*, *snow*, and *Providence*, schooner. They are real objects of pity, being so debilitated from extreme hunger that it will be some time before any labour can be got from them.*

A Colonial-
built
schooner.

Mr. Bampton informs me that at Dusky Bay he left a schooner of sixty tons almost built, which may be expected here with the remainder of the people belonging to the *Endeavour* in about three weeks, a list of whom is added to the enclosure.

Wreck of the
Endeavour.

It may be necessary to inform your Grace that the loss of that ship was occasioned by stress of weather, which compelled the master and officers to run her ashore in Facile Harbour, Dusky Bay, New Zealand, where she lies bilged. Such stores belonging to the wreck as could not be taken away by the three small vessels are left at Dusky Bay in storehouses, under the care of four men, who are to remain there until a vessel can be sent from India to take them off.†

Require-
ments of the
island.

I have the honor of enclosing a list of such wants as we are most in need of on this island, a copy of which was sent to Governor Hunter; and I am assured that such of those articles as are at Port Jackson, and can be spared, will be sent hither by the *Reliance*. But as I have no information respecting a clergyman, I presume circumstances will not admit of either of the two chaplains at Port Jackson being sent hither. I am induced therefore to submit to your Grace's consideration the necessity of a chaplain's being appointed to do duty on this island, which appears the more necessary since the establishment of a Court of Criminal Judicature.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

CAPTAIN BAMP-
TON TO LIEUTENANT-GOVERNOR KING.

Snow Fancy, off Norfolk Island,

Dear Sir,

19th January, 1796.

Capt. Bamp-
ton and the
Endeavour.

I beg leave to acquaint you that I sailed from Port Jackson in the *Endeavour*, with the *Fancy*, on the 19th of September last; but having unfortunately suffered the disaster of the *Endeavour's* being shipwrecked, and having now only a few days' provisions of rice alone to subsist upon, and that at half-allowance, under such unfortunate circumstances, I have taken the liberty of requesting your humane assistance for such necessary supplies as I stand in need of, and his Majesty's store will admit, to enable me to return to India.

* The enclosure is not among the transcripts received from London.

† These men were relieved by the captain of the *Mercury* in the winter of 1797. Thirty-five in number were landed on Norfolk Island.—Post, p. 344.

STOWAWAYS ON THE ENDEAVOUR.

9

I likewise beg leave to inform you that I have between twenty-five and thirty people who secreted themselves on board the Endeavour (unknown to me or any of the officers), whose time of transportation is not yet expired. I therefore hope, sir, you will be so kind as to send boats and a guard to take them on shore; as likewise a number of others whom I permitted, by leave of his Excellency Governor Hunter, to have a passage to India, but from my unfortunate situation cannot take them any further.

1796

19 Jan.

Stowaways
returned.

For further particulars I beg leave to refer you to Captain Dell, who will give you every information of our circumstances, and wait your pleasure.

With my best respects to Mrs. King,

I have, &c.,

W. W. BAMPTON.

[Enclosure No. 2.]

LIEUTENANT-GOVERNOR KING TO DEPUTY-COMMISSARY CLARK.

Mr. William Wright Bampton (late master of the Endeavour) having represented the distressed state of his people for provisions and some stores, which are necessary for the prosecution of his voyage to India, and as he informs me he can procure a person to lodge twelve hundred pounds of fresh pork in his Majesty's stores in exchange for an equal quantity of salt beef, and that he has a quantity of salt which will be useful in curing Government's pork, which he is willing to give as an equivalent return for the quantity of dholl required, and will pay any overplus in money :

Stores
required by
Capt. Bampton.

On these conditions you will deliver him the salt beef out of the stores, and the dholl from that condemned by survey, with the stores as per margin,* taking a fair valuation of the worth of those articles, delivering to me original copies of the same, together with such money as may be given for the overplus value, to be applied by me to the purpose of purchasing grain and fresh pork.

To be supplied from
Government
stores.

For all which this shall be your order.

Given under my hand, at Sydney, on Norfolk Island, this
19th day of January, 1796.

PHILIP GIDLEY KING.

GOVERNMENT AND GENERAL ORDER.

20th January, 1796.

20 Jan.

Parole—Norfolk.

Countersign—Reliance.

ALL settlers and other persons (the civil and military officers excepted) who are in possession of firearms are hereby ordered forthwith to give in their names to the Commissary, or storekeepers at the different settlements, in order to their being registered; and

Owners of
firearms
to be
registered.

* Two tons and a half of dholl; twelve hundred pounds of beef; three pieces of island canvas; one hundred pounds of nails; six hundred deck-nails; some ironwork, about seventy pounds weight; four pounds of thread.

✓ 1796 the constables of the different districts are to apprehend all persons
29 Jan. they may meet carrying arms without a certificate signed by the
Commissary, of such arms having been registered in his office.

Any settler who may be in want of arms for his protection, and
can give information of any person not complying with this Order,
will have such arms registered in his name.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

23 Jan.

23rd January, 1796.

Parole—Diligence.

Countersign—Sobriety.

Distilleries APPLICATION having been made to the Governor by individuals
who appear to have prepared materials for the purpose of distilling
spirits, desiring his Excellency's permission to carry into execution
their preconceived design of making and vending spirit, the quality
of which is of so poisonous a nature as must in a very short time
ruin the good health of the settlement: So iniquitous and danger-
ous a practice being not only in direct disobedience of his Majesty's
command, but destructive to the welfare and prosperity of the
prohibited. colony in general: It is hereby ordered in the most determined
manner that no person or persons do, on any pretence whatever,
attempt the distilling of spirituous liquors of any kind or quality,
on pain of such steps being taken for their punishment as will
effectually prevent the repetition of so dangerous an offence.

✓ Instructions
to con-
stables.

The constables of all the different districts, as well as all other
persons whose duty it is to preserve order, are hereby strictly
enjoined to be extremely vigilant in discovering and giving infor-
mation where, and in whose possession, any article or machine for
the above purpose now is or may hereafter be erected in opposi-
tion to this Public Order.

N.B.—Information on this subject to be given to the nearest
magistrate, who is hereby desired to give the earliest information
to the Judge-Advocate, at Sydney.*

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

25 Jan.

25th January, 1796.

Parole—Hawkesbury.

Countersign—Francis.

Water
supply of
Sydney.

It having been represented to the Governor that notwithstanding
the Order of the 22nd October,† strictly forbidding those who
occupy huts near the stream of fresh water that supplies the town
of Sydney from pulling down paling or keeping pigs near that
stream, there are some who, in open defiance of that Order, do not
only open the paling, but with dirty vessels take the water they
want above the tanks, and thereby disturb and thicken the whole
stream below, the Governor thinks it necessary to give this infor-
mation to every description of people that he expects when an

* Post, p. 31.

† See Vol. II, p. 326.

ROBBERIES.

11

Order is given it is to be obeyed. If, therefore, any person is hereafter known either to pull down or open the paling round the stream, or to dip their water above the tanks, they will be immediately confined and punished in such manner as their disobedience of this Order shall deserve. 1796
25 Jan. ✓
The Tank Stream.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

26th January, 1796. 26 Jan.

Parole—Boston. Countersign—Bengal.

As the expeditious unloading of the storeship* which is arrived here will require the assistance of a greater number of people than we at present have at public labor, it is the Governor's directions that three men from each farm having ten, be immediately sent in for this purpose, who will be returned to their farms as soon as this work is completed. Unloading a storeship. ✓

GOVERNMENT AND GENERAL ORDER.

29th January, 1796. 29 Jan.

Parole—Hotham. Countersign—Royal George.

THE many robberies which have lately been committed render it necessary that some steps should be taken to put a stop to a practice so destructive of the happiness and comfort of the industrious. And as it is well known that a fellow known by the name of Black Caesar† has absented himself some time past from his work, and has carried with him a musquet, notice is hereby given that whoever shall secure this man Black Caesar and bring him in with his arms shall receive as a reward five gallons of spirits. Robberies.

The Governor thinks it further necessary to inform those settlers or people employed in shooting, who may have been occasionally supplied with powder and shot, that if it shall be discovered hereafter that they have so abus'd the confidence placed in them as to supply those common plunderers with any part of their ammunition, steps will be taken immediately for their punishment, as they will be considered accomplices in the robberies committed by those whom they have so supplied. Supplying ammunition to outlaws. ✓

JNO. HUNTER.

DEPUTY JUDGE-ADVOCATE HIBBINS‡ TO UNDER SECRETARY KING.

His Majesty's armed ship the Reliance, at sea,

Dear Sir, 29th January, 1796.

I am now on my passage to Norfolk Island with my family. This is no other than a second counterpart of a first original letter

* The Ceres, storeship. She arrived on the 23rd January, 1796, after a passage from England of twenty-three weeks.

† This man was alleged by Collins (vol. 1, p. 457) to have given more trouble than any other convict in the settlement. He was shot by one of two men who, lured by the reward, had been searching for him some days.

‡ Thomas Hibbins, appointed Deputy Judge-Advocate in Norfolk, on 12th July, 1794.

1796 wrote to you and his Excellency the Governor on the same subject, but with some material additions, intending them to be transmitted by different conveyances, on account of the probability or possibility of still existing war and captures, as well as the common risk and perils of the seas.

29 Jan.

Hibbins's
correspondence.

✓ An omission.

Criminal
Court.

Civil Court.

✓✓ Law-books.

By a casual omission or oversight his Majesty's Letters Patent* creating and establishing the Court of Criminal Judicature intended by the Act of Parliament to be established in Norfolk Island does not make its appearance. I have brought with me my Commission as Judge-Advocate of the same, and the Act of Parliament, but the Act expressly says in the second clause: "And be it further enacted, by the authority aforesaid, that his Majesty may, by his Commission under the Great Seal, authorize the Lieutenant-Governor, or person for the time being administering the government of his Majesty's settlement in Norfolk Island, to convene from time to time, as occasion may require, a Court of Judicature for the trial and punishment of all such outrages and misbehaviours as if committed within this realm would be deemed and taken, according to the laws of this realm, to be treason, or misprision thereof, felony, or misdemeanour," &c., &c., but such Commission under the Great Seal, or his Majesty's Privy Seal, or his Majesty's Letters Patent, are not at present to be found in the Southern Hemisphere; it would be, therefore, highly illegal to hold such Court. In consequence thereof, his Excellency has caused the oaths of office and qualification usually taken and subscribed by a Justice of Peace to be administered to me, that I may confine myself to acting in that capacity alone until the Patent does arrive. I have also observed, upon a perusal of a copy of the Patent for New South Wales, that a Court of Civil Jurisdiction is thereby ordained and directed to be held, composed of the Judge-Advocate and two other fit and proper persons inhabiting the said settlement, to which Civil Court is given power "to hold plea of, and to hear and determine in a summary way all pleas concerning lands, houses, tenements, and hereditaments, and all manner of interest therein; and all pleas of debt, account or other contracts, trespasses, and all manner of other personal pleas whatsoever."

And the King "farther ordains and grants to the said Court power to grant probates of will and administration of the personal estates of intestates dying within the place or settlement aforesaid," which Civil Court and powers should, I imagine, be contained in the Patent for Norfolk, as well as in that for Sydney. I have also been informed by Capt. Collins that when he first came out to New South Wales he was allowed by Government, and brought with him, a certain number of well-chosen law-books, to

* The Patent was sent out by the ship Marquis Cornwallis, which arrived at Sydney on the 11th February, 1796.

assist him in the discharge of his public duty, which aid and allowance I hope will, and pressingly request may, be granted to me, for I remained in England near eight months longer than I expected, and after I had settled and arranged my private affairs at a great expence, and during one of the longest and severest winters ever remembered, when all the necessaries of life were exorbitantly dear, so that I found it impossible to provide myself with several necessary law-books I ought not to be without, particularly the Statutes at large.

1796

29 Jan.

A list of books supplied to the Judge-Advocate of New South Wales:—The Statutes at large, Hale's *Historia Placitorum Corona*, Hawkins's do., Foster's Reports and Discourses upon Crown Law, Crown Circuit Companion, Addington's Penal Statutes, Jacob's Law Dictionary, Blackstone's Commentaries, Burn's Justice, Reeve's History of the English Law, One Year's Session Papers.*

The Judge-
Advocate's
library.

I humbly request that the last editions of these books may be transmitted, and that instead of Burn's Justice and the Crown Circuit Companion, which are amongst those I have already, I may be supplied with those subjoined, vizt. :—Impey's Practice in the Court of King's Bench, Buller's *Nisi Prius*, and the Crown Circuit Assistant, with Wood's Conveyancing, or some other eminent author on that subject.

Subjecting, however, the list in general to such alterations or additions as his Majesty's Judge-Advocate-General, or any of his principal law officers, if consulted, might deem proper to advise.

✓✓

I wish also I could be supplied with a moderate quantity of stationery, as such is the very nature of my office that I must unquestionably use a great deal, and of which I have but an inconsiderable quantum at present.

I take the liberty strongly to recommend additional information to be inserted in the lists of convicts, usually transmitted with them, and that [what] is the particular crimes or offences they have been guilty of, which would give but little more trouble at the time of making out such lists; but more particularly in cases of perjury. Offenders of this description are in certain cases liable to transportation (see Stat.), and in others to capital punishment; but in these latter cases his Majesty's well-known clemency might be sometimes extended, on condition of transportation for a term of years, or for life; and it would be most injurious to society in any part of his Majesty's dominions to subject them to the testimony of so dangerous an offender. It is a general rule in all cases, civil and criminal, the best evidence that may be had, or that the nature of the thing will bear, is to be given. Many times juries, together with other matter, are much induced by presumptions, either

Records of
convicts.

* A similar list had been sent by Hibbins to Governor Hunter in November, 1795.—Vol. ii, p. 344.

1796

30 Jan.

Hibbins's
correspon-
dence.

wrote to you and his Excellency the Governor on the same subject, but with some material additions, intending them to be transmitted by different conveyances, on account of the probability or possibility of still existing war and captures, as well as the common risk and perils of the seas.

✓ An omission.

By a casual omission or oversight his Majesty's Letters Patent* creating and establishing the Court of Criminal Judicature intended by the Act of Parliament to be established in Norfolk Island does not make its appearance. I have brought with me my Commission as Judge-Advocate of the same, and the Act of Parliament, but the Act expressly says in the second clause: "And be it further enacted, by the authority aforesaid, that his Majesty may, by his Commission under the Great Seal, authorize the Lieutenant-Governor, or person for the time being administering the government of his Majesty's settlement in Norfolk Island, to convene from time to time, as occasion may require, a Court of Judicature for the trial and punishment of all such outrages and misbehaviours as if committed within this realm would be deemed and taken, according to the laws of this realm, to be treason, or misprision thereof, felony, or misdemeanour," &c., &c., but such Commission under the Great Seal, or his Majesty's Privy Seal, or his Majesty's Letters Patent, are not at present to be found in the Southern Hemisphere; it would be, therefore, highly illegal to hold such Court. In consequence thereof, his Excellency has caused the oaths of office and qualification usually taken and subscribed by a Justice of Peace to be administered to me, that I may confine myself to acting in that capacity alone until the Patent does arrive. I have also observed, upon a perusal of a copy of the Patent for New South Wales, that a Court of Civil Jurisdiction is thereby ordained and directed to be held, composed of the Judge-Advocate and two other fit and proper persons inhabiting the said settlement, to which Civil Court is given power "to hold plea of, and to hear and determine in a summary way all pleas concerning lands, houses, tenements, and hereditaments, and all manner of interest therein; and all pleas of debt, account or other contracts, trespasses, and all manner of other personal pleas whatsoever."

Criminal
Court.

Civil Court.

And the King "farther ordains and grants to the said Court power to grant probates of will and administration of the personal estates of intestates dying within the place or settlement aforesaid," which Civil Court and powers should, I imagine, be contained in the Patent for Norfolk, as well as in that for Sydney. I have also been informed by Capt. Collins that when he first came out to New South Wales he was allowed by Government, and brought with him, a certain number of well-chosen law-books, to

✓✓ Law-books.

* The Patent was sent out by the ship *Marquis Cornwallis*, which arrived at Sydney on the 11th February, 1796

1798

5 Feb.

✓ Hunter
speaks his
mind.

The Governor thinks it necessary to assure the soldiers that he considers their conduct upon this occasion to have been disgraceful to the character of a British soldier, and that he did hope to have found men amongst them who would have had pride enough to have stood forward and pointed out the ringleaders of so mutinous a conduct, for in no other light can it be considered than that of mutiny when the military assemble in such numbers unknown to their officers, who are at all times ready to listen to any complaints they may have to make, and to see that agreeable to common justice they are redressed. If the soldiers expect that the Governor or any of the officers in this settlement can hereafter consider them as hereafter meriting the honorable appellation of British troops, it must be by their bringing forward the ringleaders or advisers of this disgraceful conduct, in order that the stigma may be wiped away by such worthless characters being brought to trial for this shameful conduct.*

Ringleaders
to be tried.

The ration. THE small quantity of flour remaining in the settlement renders it necessary to alter the ration to the following :—

To Soldiers and Free People.

To free
people.

Beef	...	...	...	...	...	...	7 lb., or
Pork	...	...	...	...	...	...	4 lb.
Flour	...	...	...	...	...	...	4 lb.
Rice	...	...	...	...	...	...	3 lb.
Wheat	...	...	...	...	...	...	3 lb.
Pease	...	...	...	...	...	...	3 pints.
Sugar	...	...	...	...	...	...	6 oz.

To Convicts.

To convicts.

Beef	...	...	...	...	...	...	7 lb., or
Pork	...	...	...	...	...	...	4 lb.
Flour	...	...	...	...	...	...	2 lb.
Rice	...	...	...	...	...	...	4 lb.
Wheat	...	...	...	...	...	...	3 lb.
Maize	...	...	...	...	...	...	4 lb.
Sugar	...	...	...	...	...	...	6 oz.

Women and children in proportion.

JNO. HUNTER.

* From the account given by Collins (vol. i, p. 454), the riotous conduct of the soldiers arose out of a long-standing quarrel between two ex-convicts—one a private in the corps; the other the master-carpenter at Sydney (John Baughan). The soldier, it appears, had been reported by Baughan for leaving his post when on sentry, and had been in consequence placed in confinement by the sergeant of the guard. The company to which the sentinel belonged resented Baughan's conduct. On the morning following the arrest, they repaired in a body to his cottage, and, in addition to severely maltreating him, they totally demolished his house, outhouses, and furniture, before either the civil or military could intervene. A warrant was taken out for the arrest of four of the principals, but before it could be executed the soldiers expressed their regret, and offered to indemnify the carpenter, and the warrant was withdrawn. Collins attributed this outbreak to the number of ex-convicts who had been allowed to enlist.

GOVERNOR HUNTER TO CAPTAIN PATERSON.

1796

Sir,

Sydney, 7th February, 1796.

7 Feb.

Since I saw you this morning I have turned in my mind the subject of our conversation, and I have in consequence chang'd my intention of speaking to the soldiers myself. I see that it wou'd be a condescension on my part which their violent and unsoldierlike conduct does not entitle them to from me. I stand in this colony as the Chief Magistrate, and the representative of our Sovereign; anything, therefore, that could lessen me in the eye of the public would be degrading the King's authority, which shall never suffer in my person whilst I am capable of giving it its full power and consequence. I never can or will listen to the complaints of any set of men who feel themselves above preferring them with moderation, and a decent submission to the laws and regulations of the colony; they must not—they shall not—dictate laws and rules for the government of this settlement; they were sent here by his Majesty to support the civil power in the execution of its functions, but they seem disposed to take all law into their own hands, and to direct it in whatever way best may suit their own views.

Hunter and the soldiers.

The civil power to be vindicated

✓✓

Their violence upon the late occasion shall be laid before the King,* and the principal actors in it shall be pointedly mark'd, in order that justice the most perfect be done to everyone concerned in it. I must declare to you, sir, that the conduct of this part of the New South Wales Corps has been, in my opinion, the most violent and outrageous that was ever heard of by any British regiment whatever, and I shall consider every step they may go farther in aggravation as rebellion against his Majesty's government and authority, of which the most early notice shall be taken, and those concerned be in due time obliged to answer for it, most probably with their lives. This is all I think it necessary to trouble you with. Their conduct will be pointedly mark'd thro' all its stages, and I will be firm and resolv'd in such steps as it may be necessary for me to pursue, and of this you, as their commanding officer, will be pleas'd to inform them.

Conduct unworthy of any British regiment.

I am, &c.,

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

8th February, 1796.

8 Feb.

Parole—Respect.

Countersign—Obedience.

THE recent conduct of that part of the New South Wales Corps doing duty at Sydney having been turbulent beyond example, and a daring violation of the public peace of this settlement, as well as dangerous to the lives and dwellings of its inhabitants, and as

The outrage by soldiers.

* See Governor Hunter's letters to the Duke of Portland, post, pp. 42, 64, and the Duke's reply, post, p. 294.

1796

8 Feb.

N.S.W.
Corps to
reside in
barracks.

from the scatter'd manner in which the soldiers live their general conduct cannot be so minutely inspected by their officers as we find from experience is requisite, the commanding officer will give directions that as soon as the barracks can be repair'd they do in future occupy them, instead of sleeping in huts at a distance from them, those buildings having been erected for that purpose. By this means they will be more immediately under the eye of their officers, who will, it is hoped, be able to prevent any such unmilitary conduct hereafter.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

12 Feb.

12th February, 1796.

Parole—Marquis.

Countersign—Cornwallis.

✓ Criminal
Court.

A COURT of Criminal Judicature, consisting of the Judge-Advocate, one officer of his Majesty's ship Supply, and five officers of the New South Wales Corps, will assemble on Monday, the 15th instant, at 10 o'clock in the forenoon, for the trial of such prisoners as may be brought before it.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

13 Feb.

13th February, 1796.

Parole—Duke.

Countersign—Portland.

Court-
martial.

A GENERAL Court-martial is to assemble at 9 o'clock on Thursday morning, the 18th instant, for the trial of all such prisoners as may be brought before it.

New South Wales Corps—Members.

Capt. Willm. Paterson, President.

Capt. John McArthur.

Capt. John Townson.

Lieut. John Thomas Prentice.

Lieut. John Piper.

Ensign Neil McKellar.

Ensign James Hunt Lucas.

Captain David Collins, of the marines, to officiate as Deputy Judge-Advocate.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

14 Feb.

14th February, 1796.

Parole—Earl.

Countersign—Fitzwilliam.

The case of
John
Baughan.

As from the violent and unwarrantable manner in which that part of the New South Wales Corps doing duty at Sydney conducted themselves on the 5th instant, in the destruction of the dwelling-house and all its furniture belonging to John Baughan, it is natural enough in every inhabitant of this colony (should

such conduct be suffered to pass unnoticed) to entertain apprehensions for the safety of their persons, and the preservation of their habitations, whenever any private soldier shall think proper to consider him as a person deserving chastisement, the Governor thinks it necessary to publish in this manner to the inhabitants of all the districts of the colony his reasons for not having, agreeable to his first determination, carried on the most serious criminal prosecution on the part of the Crown against the offenders in this shameful transaction. A warrant having been issued for the apprehension of four of these men concerned, whose persons were known and had been deposed to, he was prevailed on at the instance of the officers to suspend for a short time the execution of the warrant, in order that the men might be paraded and spoken to by their officers, as well as to hear a letter read which the Governor had written to their commanding officer upon the subject of this disgraceful conduct, signifying his Excellency's determination in consequence of it. A message was then brought to the Governor by Captain McArthur in the name of the corps, expressive of their contrition, their sincere concern for what had happened, promising at the same time that they would endeavour by their future conduct to wipe away the odium which this recent instance of disorder and want of respect for the laws, the peace, and order of the settlement had brought upon them; they also agreed to indemnify the sufferer for his loss. Upon receiving this message by the above officer, and by the personal petition of the sufferer, John Baughan, that the warrant of apprehension might not be executed, the Governor ordered it to be withdrawn; the consequences would otherwise most probably have been fatal to some. The Governor takes this opportunity of assuring all persons resident in every part of his Majesty's territory over which he has the honor to preside that his determination is to preserve the peace, order, and tranquility of these settlements by every means which the laws can furnish. And as it has been intimated to his Excellency that many of the convicts take opportunities of shewing a degree of insolence to the military which is on no account to be suffered, he assures them that those who shall presume to act in such manner shall be punished in the most exemplary way.

1796

14 Feb.

A warrant issued.

The soldiers' contrition.

The warrant withdrawn.

The convicts warned.

JNO. HUNTER.

MEMORANDUM.*

[In the handwriting of Governor Hunter.]

On the 7th of March, 1796, the Governor received a letter from Mr. Balmain, the principal surgeon to the colony, enclosing copies of a correspondence which had passed between him, Captain McArthur, and the officers of the New South Wales Corps. Mr. Balmain states in his letter how very difficult it must at all times

Balmain and Macarthur.

*This memorandum bears no date. Its contents suffice to indicate its place in the Records. The suburb of Balmain was named after the surgeon here mentioned.

1793 prove for any man to do the duty of a civil magistrate when, by the proper discharge of that duty, he is liable to the reproaches and insults of a body of officers, some of whom we know were at that time in the Commission of the Peace.

The outrage committed by the military which occasion'd this correspondence was transmitted home, and laid before the Secretary of State in 1796.

✓ The case of John Baughan. Mr. Balmain, in his capacity as a civil magistrate, having met the man (John Baughan) whose house had been attacked and furniture destroyed, had questioned him on the subject. At this time the whole of the inhabitants were alarmed, and there was a general cry for justice; but it having gone forth amongst the military that Mr. Balmain had interrogated Jno. Baughan upon the business, and that he had found him, from fear, inclined to submit to his sufferings, Mr. Balmain told him he was liable to prosecution for compounding a felony, and that he, Mr. Balmain, might, perhaps, be the first to forward such prosecution. Upon this idea of the military that Mr. Balmain, who was only acting as a strict magistrate, had interrogated Jno. Baughan, he received a letter in the name of the military officers, the purport of which was, as near as I can recollect, that the writer was instructed by his brother-officers to request an answer to two questions. The first was, if he had insisted or advised Jno. Baughan to prosecute the soldiers? The other was whether he had threatened Baughan with a prosecution if he withdrew his complaint? [The document was signed by John Macarthur.]

A letter from the officers.

✓ Macarthur's alleged disposition. Mr. Balmain observes in his letter of complaint to the Govr. that he hopes he shall not be accus'd of malice for observing that Mr. McArthur's propensity to turbulence and litigation has ever been conspicuous in this colony, and that he has not himself scrupled to avow his inclination to be contentious, and to undervalue the power of the civil authority.

Balmain's reply.

Mr. Balmain's reply* to the above questions were, first, relative to the prosecuting Baughan if he compounded a felony, that he had said so much to Baughan; and farther, that as the man's wife appeared apprehensive that the soldiers would murder her husband, that he had told him he had nothing to fear on that score. He also added, that if he said more, and any person would put him in mind of it, if it was fact, he would most readily acknowledge he had done so. These answers were addressed to Captain McArthur.

✕ The officers' answer.

Mr. Balmain rec'd, immediately after this reply, a kind of note or written message (10th February, 1796) in the name of the officers of the New South Wales Corps, of which the purport was

* In the margin of the original the date of Balmain's reply is given as the 8th February 1796.

"That after a calm and dispassionate consideration of Mr. Balmain's conduct, as expressed in his letter to Capt. McArthur, they should be wanting in justice to themselves if they omitted to express their indignation at his shamefully malevolent interference in the affairs of their corps." 1796

Let any indifferent person consider this, and say what is their opinion of the proper duty of a magistrate in a case where the military happen to be the rioters, and their officers in a body undertake to threaten the civil magistrate for doing his duty? A magistrate's duty.

In this written message they had recourse to a conversation which had pass'd between Mr. Balmain and the surgeon of the corps, who had agreed with him in saying that in consequence of this last outrage they were all damn'd. They conclude this message by observing that those predicted curses wou'd probably recoil on his own plotting head and guilty heart.

Upon this message Mr. Balmain wrote (10th February) to the commanding officer of the corps, in which he acknowledges an esteem for many officers of the corps. He says that he despises and positively denies the malevolent charges with which they have branded him, and that he is fully persuaded that, altho' the whole body of the officers are drawn into this dispute, and that in their name generally they have endeavour'd to heap reproach upon his head, they have been excited thereto by the base insinuation of some particular person who delights in strife, and who wou'd meet from him the chastisement he merits if he cou'd fix on him. Balmain and the officers.

To this letter Mr. Balmain did not receive any answer. He, however, thought fit, after writing the above letter, to reply to their written message by a letter addressed to Captain McArthur, to the following effect:—That he thinks it scarcely within the bounds of probability that any set of gentlemen cou'd be led, from any wish of their own, to address him, who had given them no personal offence, in the oprobrious language which the officers of the New South Wales Corps had thought proper to apply to him that day, and that as the letter he had receiv'd on the present subject two days ago was from him, and that which was left at his house that day was in his handwriting, he had no doubt but that he was the chief promoter and principal author of the abuse with which he had that day been loaded. He then acknowledged his esteem for many of the officers, and concludes by telling him that he considers him a base rascal and an atrocious liar and villain, and says his friend, Mr. Palmer,* the Commissary, who is the bearer, will receive his answer. Balmain and Macarthur. A challenge.

Upon this letter Mr. Balmain the next day (11th February) rec'd a letter signed "the officers of the New South Wales Corps," in which they tell him that Mr. Palmer having declin'd to deliver a verbal message from them, they had caus'd it to be written, and The officers accept it.

* Palmer lived at the head of Woolloomooloo Bay. Palmer-street derives its name from him.

1796

20 Jan.

Hibbins's
correspon-
dence.

wrote to you and his Excellency the Governor on the same subject, but with some material additions, intending them to be transmitted by different conveyances, on account of the probability or possibility of still existing war and captures, as well as the common risk and perils of the seas.

An omission.

By a casual omission or oversight his Majesty's Letters Patent* creating and establishing the Court of Criminal Judicature intended by the Act of Parliament to be established in Norfolk Island does not make its appearance. I have brought with me my Commission as Judge-Advocate of the same, and the Act of Parliament, but the Act expressly says in the second clause: "And be it further enacted, by the authority aforesaid, that his Majesty may, by his Commission under the Great Seal, authorize the Lieutenant-Governor, or person for the time being administering the government of his Majesty's settlement in Norfolk Island, to convene from time to time, as occasion may require, a Court of Judicature for the trial and punishment of all such outrages and misbehaviours as if committed within this realm would be deemed and taken, according to the laws of this realm, to be treason, or misprision thereof, felony, or misdemeanour," &c., &c., but such Commission under the Great Seal, or his Majesty's Privy Seal, or his Majesty's Letters Patent, are not at present to be found in the Southern Hemisphere; it would be, therefore, highly illegal to hold such Court. In consequence thereof, his Excellency has caused the oaths of office and qualification usually taken and subscribed by a Justice of Peace to be administered to me, that I may confine myself to acting in that capacity alone until the Patent does arrive. I have also observed, upon a perusal of a copy of the Patent for New South Wales, that a Court of Civil Jurisdiction is thereby ordained and directed to be held, composed of the Judge-Advocate and two other fit and proper persons inhabiting the said settlement, to which Civil Court is given power "to hold plea of, and to hear and determine in a summary way all pleas concerning lands, houses, tenements, and hereditaments, and all manner of interest therein; and all pleas of debt, account or other contracts, trespasses, and all manner of other personal pleas whatsoever."

Criminal
Court.

Civil Court.

And the King "farther ordains and grants to the said Court power to grant probates of will and administration of the personal estates of intestates dying within the place or settlement aforesaid," which Civil Court and powers should, I imagine, be contained in the Patent for Norfolk, as well as in that for Sydney. I have also been informed by Capt. Collins that when he first came out to New South Wales he was allowed by Government, and brought with him, a certain number of well-chosen law-books, to

Law-books.

* The Patent was sent out by the ship Marquis Cornwallis, which arrived at Sydney on the 11th February, 1796

assist him in the discharge of his public duty, which aid and allowance I hope will, and pressingly request may, be granted to me, for I remained in England near eight months longer than I expected, and after I had settled and arranged my private affairs at a great expence, and during one of the longest and severest winters ever remembered, when all the necessaries of life were exorbitantly dear, so that I found it impossible to provide myself with several necessary law-books I ought not to be without, particularly the Statutes at large.

1796

29 Jan.

A list of books supplied to the Judge-Advocate of New South Wales:—The Statutes at large, Hale's *Historia Placitorum Corona*, Hawkins's *do.*, Foster's Reports and Discourses upon Crown Law, Crown Circuit Companion, Addington's Penal Statutes, Jacob's Law Dictionary, Blackstone's Commentaries, Burn's Justice, Reeve's History of the English Law, One Year's Session Papers.*

The Judge-
Advocate's
library.

I humbly request that the last editions of these books may be transmitted, and that instead of Burn's Justice and the Crown Circuit Companion, which are amongst those I have already, I may be supplied with those subjoined, vizt. :—Impey's Practice in the Court of King's Bench, Buller's *Nisi Prius*, and the Crown Circuit Assistant, with Wood's Conveyancing, or some other eminent author on that subject.

Subjecting, however, the list in general to such alterations or additions as his Majesty's Judge-Advocate-General, or any of his principal law officers, if consulted, might deem proper to advise.

✓

I wish also I could be supplied with a moderate quantity of stationery, as such is the very nature of my office that I must unquestionably use a great deal, and of which I have but an inconsiderable quantum at present.

I take the liberty strongly to recommend additional information to be inserted in the lists of convicts, usually transmitted with them, and that [what] is the particular crimes or offences they have been guilty of, which would give but little more trouble at the time of making out such lists; but more particularly in cases of perjury. Offenders of this description are in certain cases liable to transportation (see Stat.), and in others to capital punishment; but in these latter cases his Majesty's well-known clemency might be sometimes extended, on condition of transportation for a term of years, or for life; and it would be most injurious to society in any part of his Majesty's dominions to subject them to the testimony of so dangerous an offender. It is a general rule in all cases, civil and criminal, the best evidence that may be had, or that the nature of the thing will bear, is to be given. Many times juries, together with other matter, are much induced by presumptions, either

Records of
convicts.

* A similar list had been sent by Hibbins to Governor Hunter in November, 1795.—Vol. ii, p. 340.

1796
20 Jan. ✓✓

Antecedents
of convicts.

Imprison-
ment on the
hulks.

Records
furnished to
sheriff.

A lax
system.

violent or probable; so must a Judge-Advocate and the other members of a Court here, of necessity, be more subject to such inducements, for the want in general of such competent and credible witnesses as may be procured in the United Kingdom; therefore every brief information which might in the least degree assist the judgment of the Court should be annexed to the name of each convict; and if, as it sometimes happens, any light is thrown out in the course of their trials in Great Britain and Ireland upon their general and true characters, or whether they are old offenders, or otherwise, &c. (for there are different degrees of vice and criminality, and they cannot all be supposed to be equally bad; some may be better disposed than others). I think an intimation of such circumstances should and easily might be comprised in such lists under different heads. The proper officer who makes out these lists should consider the immense distance we are at here from home, and how impracticable it is to obtain any farther communication or information concerning these convicts than what is contained in such lists. Before his Majesty, with the advice of his Privy Council, had judged fit to appoint the present places to which certain offenders should be transported, and after the separation of the English Colonies in America from their connexion with Great Britain, when the exile of felons to that country became impracticable, a punishment in lieu of transportation was enacted by statute, that male persons might be sent on board ships or vessels (commonly called the hulks) on the river Thames, &c., for specified terms, to be kept to hard labour, &c.; and the Clerk of Assize was directed by the said Act to give to the sheriff or gaoler a certificate in writing under his hand, containing an account of the christian name, surname, and age of such offender, of his offence, of the Court before which he was convicted, and of the term for which he shall be so ordered to hard labour; and the said sheriff or gaoler was to deliver him, with the certificate, to the superintendent, &c. I therefore submit it to the judgment of any of his Majesty's law officers if such sort of certificate, or certified list, should not be transmitted to the Governor of these settlements for his Excellency's and the Lieut.-Gov'r of Norfolk's information, and that of the Judges-Advocate of both colonies, instead of the very laconic one usually sent out, which contains only their names and the term of years for which they are transported; and that from Ireland, I believe, only notifies their names, without even mentioning the time or terms. With regard to the books above mentioned, I have no objection to consider them as public property to devolve to a successor, on account of the expence, the vast distance from home, and the inconvenience the person who may succeed me hereafter may be put to for the want of them, besides the injury his Majesty's service may sustain in the interim.

With respect to stationery, when it is considered that my duty will require me to act in the threefold capacity of a Justice of Peace, a Judge-Advocate of a Court of Criminal Judicature, and also, I suppose, of a Court of Civil Jurisdiction, whose whole proceedings in either case are required to be reduced to writing, I must, of course, use a great deal, and therefore hope I shall not be thought unreasonable to ask the allowance of a moderate quantity.

1796
29 Jan.
Stationery.

I will thank you, sir, to lay this letter before his Grace the Duke of Portland, or, in case of his Grace's resignation or death, before his successor; and I assure both you and him that I am actuated wholly by a sense of duty and an anxious desire to discharge a trust reposed in me, so important as the due administration of justice, with fidelity to my King and country, and without oppression to the subject. Hoping this will find you in good health, and my country beginning at least to enjoy the blessings of an honourable peace, with the greatest respect,

I am, &c.,

T. HIBBINS.

P.S.—9 February, 1796.—In two days more it will be three weeks since we left Port Jackson, having met with continual contrary winds and very hard gales, which was quite unexpected at this season of the year, and is an uncommon long and tedious passage. The weather.

15 February, 1796.—On this day myself and family were safely landed on Norfolk Island.

T.H.

Since my arrival I have laid this letter before his Honor the Lieutt.-Govr., for any alteration his better information or superior judgment might deem more proper; and the answer he returned me was, "That he did not see the alteration of one word necessary; that he approved of the whole, and particularly with regard to the Civil Court, which was much wanted here; and that if he had had time he would have wrote about it himself." King's endorsement. ✓

T.H.

GOVERNMENT AND GENERAL ORDER.

5th February, 1796.

5 Feb.

Parole—Milbrook.

Countersign—Cawsand.

THE very riotous manner in which the soldiers have conducted themselves this morning, and the very unwarrantable liberty they have thought proper to take in destroying the dwelling-house of John Baughan, is so flagrant a crime against the laws established in this colony that nothing but the want of proof to substantiate who the principal actors in this disgraceful business were could possibly prevent their being immediately tried for so glaring an offence against the peace of the colony. Outrage by soldiers. ✓

1798

5 Feb.

✓ Hunter
speaks his
mind.

The Governor thinks it necessary to assure the soldiers that he considers their conduct upon this occasion to have been disgraceful to the character of a British soldier, and that he did hope to have found men amongst them who would have had pride enough to have stood forward and pointed out the ringleaders of so mutinous a conduct, for in no other light can it be considered than that of mutiny when the military assemble in such numbers unknown to their officers, who are at all times ready to listen to any complaints they may have to make, and to see that agreeable to common justice they are redressed. If the soldiers expect that the Governor or any of the officers in this settlement can hereafter consider them as hereafter meriting the honorable appellation of British troops, it must be by their bringing forward the ringleaders or advisers of this disgraceful conduct, in order that the stigma may be wiped away by such worthless characters being brought to trial for this shameful conduct.*

Ringleaders
to be tried.

The ration. THE small quantity of flour remaining in the settlement renders it necessary to alter the ration to the following:—

To Soldiers and Free People.

To free
people.

Beef	...	...	...	...	...	...	...	7 lb., or
Pork	...	...	...	...	...	...	...	4 lb.
Flour	...	...	...	...	...	...	...	4 lb.
Rice	...	...	...	...	...	...	...	3 lb.
Wheat	...	...	...	...	...	...	...	3 lb.
Pease	...	...	...	...	...	...	...	3 pints.
Sugar	...	...	...	...	...	...	...	6 oz.

To Convicts.

To convicts.

Beef	...	...	...	...	...	...	...	7 lb., or
Pork	...	...	...	...	...	...	...	4 lb.
Flour	...	...	...	...	...	...	...	2 lb.
Rice	...	...	...	...	...	...	...	4 lb.
Wheat	...	...	...	...	...	...	...	3 lb.
Maize	...	...	...	...	...	...	...	4 lb.
Sugar	...	...	...	...	...	...	...	6 oz.

Women and children in proportion.

JNO. HUNTER.

* From the account given by Collins (vol. i, p. 454), the riotous conduct of the soldiers arose out of a long-standing quarrel between two ex-convicts—one a private in the corps; the other the master-carpenter at Sydney (John Baughan). The soldier, it appears, had been reported by Baughan for leaving his post when on sentry, and had been in consequence placed in confinement by the serjeant of the guard. The company to which the sentinel belonged resented Baughan's conduct. On the morning following the arrest, they repaired in a body to his cottage, and, in addition to severely maltreating him, they totally demolished his house, outhouses, and furniture, before either the civil or military could intervene. A warrant was taken out for the arrest of four of the principals, but before it could be executed the soldiers expressed their regret, and offered to indemnify the carpenter, and the warrant was withdrawn. Collins attributed this outbreak to the number of ex-convicts who had been allowed to enlist.

GOVERNOR HUNTER TO CAPTAIN PATERSON.

1796

Sir,

Sydney, 7th February, 1796.

7 Feb.

Since I saw you this morning I have turned in my mind the subject of our conversation, and I have in consequence chang'd my intention of speaking to the soldiers myself. I see that it would be a condescension on my part which their violent and unsoldierlike conduct does not entitle them to from me. I stand in this colony as the Chief Magistrate, and the representative of our Sovereign; anything, therefore, that could lessen me in the eye of the public would be degrading the King's authority, which shall never suffer in my person whilst I am capable of giving it its full power and consequence. I never can or will listen to the complaints of any set of men who feel themselves above preferring them with moderation, and a decent submission to the laws and regulations of the colony; they must not—they shall not—dictate laws and rules for the government of this settlement; they were sent here by his Majesty to support the civil power in the execution of its functions, but they seem disposed to take all law into their own hands, and to direct it in whatever way best may suit their own views.

Hunter and the soldiers.

The civil power to be vindicated

✓✓

Their violence upon the late occasion shall be laid before the King,* and the principal actors in it shall be pointedly mark'd, in order that justice the most perfect be done to everyone concerned in it. I must declare to you, sir, that the conduct of this part of the New South Wales Corps has been, in my opinion, the most violent and outrageous that was ever heard of by any British regiment whatever, and I shall consider every step they may go farther in aggravation as rebellion against his Majesty's government and authority, of which the most early notice shall be taken, and those concerned be in due time obliged to answer for it, most probably with their lives. This is all I think it necessary to trouble you with. Their conduct will be pointedly mark'd thro' all its stages, and I will be firm and resolv'd in such steps as it may be necessary for me to pursue, and of this you, as their commanding officer, will be pleas'd to inform them.

Conduct unworthy of any British regiment.

I am, &c.,

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

8th February, 1796.

8 Feb.

Parole—Respect.

Countersign—Obedience.

THE recent conduct of that part of the New South Wales Corps doing duty at Sydney having been turbulent beyond example, and a daring violation of the public peace of this settlement, as well as dangerous to the lives and dwellings of its inhabitants, and as

The outrage by soldiers.

* See Governor Hunter's letters to the Duke of Portland, post, pp. 42, 64, and the Duke's reply, post, p. 294.

1796
8 Feb.
N.S.W.
Corps to
reside in
barracks.

from the scatter'd manner in which the soldiers live their general conduct cannot be so minutely inspected by their officers as we find from experience is requisite, the commanding officer will give directions that as soon as the barracks can be repair'd they do in future occupy them, instead of sleeping in huts at a distance from them, those buildings having been erected for that purpose. By this means they will be more immediately under the eye of their officers, who will, it is hoped, be able to prevent any such unmilitary conduct hereafter.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

12 Feb. 12th February, 1796.
Parole—Marquis. Countersign—Cornwallis.
✓ Criminal Court. A COURT of Criminal Judicature, consisting of the Judge-Advocate, one officer of his Majesty's ship Supply, and five officers of the New South Wales Corps, will assemble on Monday, the 15th instant, at 10 o'clock in the forenoon, for the trial of such prisoners as may be brought before it.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

13 Feb. 13th February, 1796.
Parole—Duke. Countersign—Portland.
Court-martial. A GENERAL Court-martial is to assemble at 9 o'clock on Thursday morning, the 18th instant, for the trial of all such prisoners as may be brought before it.

New South Wales Corps—Members.

Captn. Willm. Paterson, President.

Captn. John McArthur.

Captn. John Townson.

Lieut. John Thomas Prentice.

Lieut. John Piper.

Ensign Neil McKellar.

Ensign James Hunt Lucas.

Captain David Collins, of the marines, to officiate as Deputy Judge-Advocate.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

14 Feb. 14th February, 1796.
Parole—Earl. Countersign—Fitzwilliam.
The case of John Baughan. As from the violent and unwarrantable manner in which that part of the New South Wales Corps doing duty at Sydney conducted themselves on the 5th instant, in the destruction of the dwelling-house and all its furniture belonging to John Baughan, it is natural enough in every inhabitant of this colony (should

GOVERNOR HUNTER TO CAPTAIN PATERSON.

1796

Sir,

Sydney, 7th February, 1796.

7 Feb.

Since I saw you this morning I have turned in my mind the subject of our conversation, and I have in consequence chang'd my intention of speaking to the soldiers myself. I see that it wou'd be a condescension on my part which their violent and unsoldierlike conduct does not entitle them to from me. I stand in this colony as the Chief Magistrate, and the representative of our Sovereign; anything, therefore, that could lessen me in the eye of the public would be degrading the King's authority, which shall never suffer in my person whilst I am capable of giving it its full power and consequence. I never can or will listen to the complaints of any set of men who feel themselves above preferring them with moderation, and a decent submission to the laws and regulations of the colony; they must not—they shall not—dictate laws and rules for the government of this settlement; they were sent here by his Majesty to support the civil power in the execution of its functions, but they seem disposed to take all law into their own hands, and to direct it in whatever way best may suit their own views.

Hunter and the soldiers.

The civil power to be vindicated

✓✓

Their violence upon the late occasion shall be laid before the King,* and the principal actors in it shall be pointedly mark'd, in order that justice the most perfect be done to everyone concerned in it. I must declare to you, sir, that the conduct of this part of the New South Wales Corps has been, in my opinion, the most violent and outrageous that was ever heard of by any British regiment whatever, and I shall consider every step they may go farther in aggravation as rebellion against his Majesty's government and authority, of which the most early notice shall be taken, and those concerned be in due time obliged to answer for it, most probably with their lives. This is all I think it necessary to trouble you with. Their conduct will be pointedly mark'd thro' all its stages, and I will be firm and resolv'd in such steps as it may be necessary for me to pursue, and of this you, as their commanding officer, will be pleas'd to inform them.

Conduct unworthy of any British regiment.

I am, &c.,

JNO. HUNTER.

GOVERNMENT, AND GENERAL ORDER.

8th February, 1796.

8 Feb.

Parole—Respect.

Countersign—Obedience.

THE recent conduct of that part of the New South Wales Corps doing duty at Sydney having been turbulent beyond example, and a daring violation of the public peace of this settlement, as well as dangerous to the lives and dwellings of its inhabitants, and as

The outrage by soldiers.

* See Governor Hunter's letters to the Duke of Portland, post, pp. 42, 64, and the Duke's reply, post, p. 294.

1793 prove for any man to do the duty of a civil magistrate when, by the proper discharge of that duty, he is liable to the reproaches and insults of a body of officers, some of whom we know were at that time in the Commission of the Peace.

The outrage committed by the military which occasion'd this correspondence was transmitted home, and laid before the Secretary of State in 1796.

✓ The case of John Baughan. Mr. Balmain, in his capacity as a civil magistrate, having met the man (John Baughan) whose house had been attacked and furniture destroyed, had questioned him on the subject. At this time the whole of the inhabitants were alarmed, and there was a general cry for justice; but it having gone forth amongst the military that Mr. Balmain had interrogated Jno. Baughan upon the business, and that he had found him, from fear, inclined to submit to his sufferings, Mr. Balmain told him he was liable to prosecution for compounding a felony, and that he, Mr. Balmain, might, perhaps, be the first to forward such prosecution. Upon this idea of the military that Mr. Balmain, who was only acting as a strict magistrate, had interrogated Jno. Baughan, he received a letter in the name of the military officers, the purport of which was, as near as I can recollect, that the writer was instructed by his brother-officers to request an answer to two questions. The first was, if he had insisted or advised Jno. Baughan to prosecute the soldiers? The other was whether he had threatened Baughan with a prosecution if he withdrew his complaint? [The document was signed by John Macarthur.]

A letter from the officers.

✓ Macarthur's alleged disposition. Mr. Balmain observes in his letter of complaint to the Govr. that he hopes he shall not be accus'd of malice for observing that Mr. McArthur's propensity to turbulence and litigation has ever been conspicuous in this colony, and that he has not himself scrupled to avow his inclination to be contentious, and to undervalue the power of the civil authority.

Balmain's reply. Mr. Balmain's reply* to the above questions were, first, relative to the prosecuting Baughan if he compounded a felony, that he had said so much to Baughan; and farther, that as the man's wife appeared apprehensive that the soldiers would murder her husband, that he had told him he had nothing to fear on that score. He also added, that if he said more, and any person would put him in mind of it, if it was fact, he would most readily acknowledge he had done so. These answers were addressed to Captain McArthur.

x The officers' answer. Mr. Balmain rec'd, immediately after this reply, a kind of note or written message (10th February, 1796) in the name of the officers of the New South Wales Corps, of which the purport was

* In the margin of the original the date of Balmain's reply is given as the 8th February 1796.

"That after a calm and dispassionate consideration of Mr. Balmain's conduct, as expressed in his letter to Capt. McArthur, they should be wanting in justice to themselves if they omitted to express their indignation at his shamefully malevolent interference in the affairs of their corps." 1796

Let any indifferent person consider this, and say what is their opinion of the proper duty of a magistrate in a case where the military happen to be the rioters, and their officers in a body undertake to threaten the civil magistrate for doing his duty? A magistrate's duty.

In this written message they had recourse to a conversation which had pass'd between Mr. Balmain and the surgeon of the corps, who had agreed with him in saying that in consequence of this last outrage they were all damn'd. They conclude this message by observing that those predicted curses would probably recoil on his own plotting head and guilty heart.

Upon this message Mr. Balmain wrote (10th February) to the commanding officer of the corps, in which he acknowledges an esteem for many officers of the corps. He says that he despises and positively denies the malevolent charges with which they have branded him, and that he is fully persuaded that, altho' the whole body of the officers are drawn into this dispute, and that in their name generally they have endeavour'd to heap reproach upon his head, they have been excited thereto by the base insinuation of some particular person who delights in strife, and who would meet from him the chastisement he merits if he cou'd fix on him. Balmain and the officers.

To this letter Mr. Balmain did not receive any answer. He, however, thought fit, after writing the above letter, to reply to their written message by a letter addressed to Captain McArthur, to the following effect:—That he thinks it scarcely within the bounds of probability that any set of gentlemen cou'd be led, from any wish of their own, to address him, who had given them no personal offence, in the oprobrious language which the officers of the New South Wales Corps had thought proper to apply to him that day, and that as the letter he had receiv'd on the present subject two days ago was from him, and that which was left at his house that day was in his handwriting, he had no doubt but that he was the chief promoter and principal author of the abuse with which he had that day been loaded. He then acknowledged his esteem for many of the officers, and concludes by telling him that he considers him a base rascal and an atrocious liar and villain, and says his friend, Mr. Palmer,* the Commissary, who is the bearer, will receive his answer. Balmain and Macarthur.

Upon this letter Mr. Balmain the next day (11th February) rec'd a letter signed "the officers of the New South Wales Corps," in which they tell him that Mr. Palmer having declin'd to deliver a verbal message from them, they had caus'd it to be written, and A challenge.

* Palmer lived at the head of Woolloomooloo Bay. Palmer-street derives its name from him. The officers accept it.

1796 was the opinion of the officers of the New South Wales Corps. It was to this effect: "That Mr. Balmain's letter to Captain McArthur had been read to them, and that they were unanimously of opinion that no other notice could be taken of it by him but that which he did take: that the censure thrown on Mr. Balmain was the act of the whole corps; that collectively and individually they consider'd his conduct towards them with the highest degree of contempt and indignation; that his letter to Captain McArthur, instead of lessening that contempt, has serv'd to increase it, as it proves him ignorant of the language of a gentleman, as his language have determin'd him incapable of sentiments of honor or integrity; that if he is inclin'd to justify himself, or to resent in a proper manner the opinion of the corps towards him, he has nothing more to do than to communicate what his wishes are with them; that if he desires to explain himself individually the corps will point out an officer for that purpose, and if he shou'd fail in giving Mr. Balmain the satisfaction requir'd, another and another will be fix'd on untill there is not one left to explain; that it is hop'd Mr. B. will not understand what has been said as an unmeaning threat, for he may assure himself that they are all earnest for an opportunity of punishing the infamous conduct of the person on whose part Mr. Palmer stood there, and that no one will voluntarily resign to the other his right to inflict it."

Their reply.

Balmain's
quarrel with
Macarthur,
not with the
officers.

Mr. Balmain sent by his friend, Mr. Palmer, his last message (11th February), which was chiefly addressed to Captain McArthur, and was to this effect nearly: "That he will ever acquit himself of any intention to offend the officers of the New South Wales Corps, and therefore will justify himself on that head; that he has no desire to quarrel with any man, altho' the message just receiv'd by Mr. Rowley* is an illiberal repetition of the unmerited insults he has already receiv'd; that Mr. McArthur he has been very explicate with; he cannot therefore be ignorant of the meaning of his letter of last night deliver'd by his friend, Mr. Palmer. Mr. Balmain has only to add that he will maintain to his last breath the character of a gentleman in defiance of every unmanly mode of detraction that Mr. McArthur is capable of using."

The above is a true extract of the correspondence alluded to.

W. BALMAIN.

LIEUTENANT-GOVERNOR KING TO GOVERNOR HUNTER.

19 Feb.

Assistant-
Surgeon
Jamison.

Sir, Norfolk Island, 19th February, 1796.

The enclosed is a representation from Mr. Thomas Jamison, assistant surgeon, stating some disappointments and inconveniences he labours under.

As I do not conceive myself warrantable in laying any application of that nature before the Secretary of State without your

* Thomas Rowley, Adjutant of the New South Wales Corps.

approbation, I imagine that the most proper mode of his request being attended to will be thro' your Excellency, in case you think it proper. 1796
19 Feb.

I have only to add that every circumstance contained in his letter is strictly conformable to truth, and that his services, both in the line of his profession and on other occasions at a time when I had no one to assist me, has ever met with my approbation.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

ASSISTANT-SURGEON JAMISON TO LIEUTENANT-GOVERNOR KING.

Sir,

Norfolk Island, 19th February, 1796.

My agent having informed me that a mistake had been made in the estimate about my salary, owing to there being another person of the same name on the island, who is a superintendent,* in consequence of which I had only been paid at the rate of forty pounds per annum, and that my Commission was only dated from the 10th of October, 1793,† which I am informed is later than either Messrs. Thompson's or Leeds's, who are lately arrived at Port Jackson. As those mistakes are likely to affect me both in my *private circumstances and line of succession*, and as you are perfectly acquainted with the whole of incidents and my services in this colony, I have to request you will allow me to represent the disappointments I have experienced during a service of eight years under your command on this island, from which I hope you will allow that my hopes of a reasonable recompence for that service have not been successful hitherto. Jamison's rate of pay.

Permit me to represent that I served in the Navy from the year 1780 untill 1786, when I was appointed surgeon's first mate of his Majesty's ship *Sirius*, then fitting out for this station. On my arrival in New South Wales, and your being appointed Commandant of Norfolk Island, I was directed by Governor Phillip to accompany you as assistant surgeon to that settlement, where I landed the 4th of March, 1788. An officer on H.M.S. *Sirius*
Untill your return to England, in March, 1790, I had sole charge of the sick, stores, medicines, &c., and I presume I may say that my conduct during this period, stationed at Norfolk Island.
not only in the immediate line of my profession, but also on many other occasions, met your approbation. On your departure I was superseded by Mr. Considen, assistant surgeon, and had leave to return to P. Jackson; but from the number of people that were then on this island, and many of those that were landed from the *Sirius* and *Supply* being sickly, in a consultation held by you, Lieutenant-Governor Ross, and Mr. Considen, assistant surgeon,

* The Superintendent's name was John Jamieson.

† The Commission of Jamison will be found on p. 67 of Vol. ii; but Phillip reported, in March, 1791, that he had appointed him to the position, and asked for a confirmation thereof (Vol. i, part 2, p. 473). As early as November, 1788, Phillip had recommended Jamison to Nepean, but nothing appears to have been done for him.—*Ib.*, p. 219.

1796 I was requested to stay to assist that gentleman, which I complied
 10 Feb. with, and continued untill the return of Captain Hunter (our present Governor) in the Supply to Port Jackson. In Febr'y, 1791, I accompanied him with an intention to have returned to England, but on my arrival there, the colony being then in great want of ass't surgeons, the principal surgeon represented it to Governor Phillip, who, in consequence, appointed me assistant surgeon to the territory of New South Wales, on the 6th of March, 1791, an attested copy of which I transmitted my agent, desiring him to present it for confirmation. I returned to Norfolk Island by the first opportunity, which was in May following. Shortly after my arrival I was sent to the just-commenced settlement at Phillipsburgh, where I have continued as assistant surgeon untill Mr. Balmain's return to Port Jackson. On your arrival from Europe,* Mr. Balmain, the senior assistant surgeon, accompanied you, and relieved Mr. Considen. Since the former has been recalled to Port Jackson the charge of the sick again devolves on me; and from the very great want of assistance to attend the different settlements on this island, and the number of settlers that are dispersed all over it, on their respective farms, together with my attendance on the detachment of the New South Wales Corps which does duty here, necessarily occasions me much additional attendance and fatigue that has greatly impaired my health, from the fatigues incident to the heat of the climate.

At Sydney.

Returns to Norfolk Island.

Onerous duties.

Now, sir, as you know the many disappointments and inconveniences which has attended my situation, and as you are perfectly sensible that the full salary of five shillings per day would not even procure the common necessaries of life, from the extravagant price we are obliged to pay for every comfort imported at this island, as the ships from Europe or India always stop at Port Jackson first, where their cargoes are disposed of, so that we are often necessitated to purchase them at second hand, sometimes at the enormous rate of five hundred per cent.; and we are obliged to pay ten per cent. for agency. These are unavoidable expences which are annexed to the assistant who resides here, without any additional emoluments whatever.

The cost of living.

Having now stated the many disappointments and inconveniences which has attended my situation, I trust you will not think me importunate in requesting you to lay my situation before his Excellency, with the further request that he would be pleased to take such steps as may appear proper to make his Majesty's Principal Secretary of State acquainted with my situation, and humbly hoping that I may receive my full salary from the time of my coming hither, and that I may enjoy that place in the succession to the appointment of Principal Surgeon, which I trust my

Asks for an increase of salary.

* Lieutenant-Governor King arrived at Norfolk Island, after his first trip to England, on 4th November, 1791.—Vol. II, p. 562.

assist him in the discharge of his public duty, which aid and allowance I hope will, and pressing request may, be granted to me, for I remained in England near eight months longer than I expected, and after I had settled and arranged my private affairs at a great expence, and during one of the longest and severest winters ever remembered, when all the necessities of life were exorbitantly dear, so that I found it impossible to provide myself with several necessary law-books I ought not to be without, particularly the Statutes at large.

1796

20 Jan.

A list of books supplied to the Judge-Advocate of New South Wales:—The Statutes at large, Hale's *Historia Placitorum Corona*, Hawkins's do., Foster's Reports and Discourses upon Crown Law, Crown Circuit Companion, Addington's Penal Statutes, Jacob's Law Dictionary, Blackstone's Commentaries, Burn's Justice, Reeve's History of the English Law, One Year's Session Papers.*

The Judge-
Advocate's
library.

I humbly request that the last editions of these books may be transmitted, and that instead of Burn's Justice and the Crown Circuit Companion, which are amongst those I have already, I may be supplied with those subjoined, vizt. :—Impey's Practice in the Court of King's Bench, Buller's Nisi Prius, and the Crown Circuit Assistant, with Wood's Conveyancing, or some other eminent author on that subject.

Subjecting, however, the list in general to such alterations or additions as his Majesty's Judge-Advocate-General, or any of his principal law officers, if consulted, might deem proper to advise.

I wish also I could be supplied with a moderate quantity of stationery, as such is the very nature of my office that I must unquestionably use a great deal, and of which I have but an inconsiderable quantum at present.

I take the liberty strongly to recommend additional information to be inserted in the lists of convicts, usually transmitted with them, and that [what] is the particular crimes or offences they have been guilty of, which would give but little more trouble at the time of making out such lists; but more particularly in cases of perjury. Offenders of this description are in certain cases liable to transportation (see Stat.), and in others to capital punishment; but in these latter cases his Majesty's well-known clemency might be sometimes extended, on condition of transportation for a term of years, or for life; and it would be most injurious to society in any part of his Majesty's dominions to subject them to the testimony of so dangerous an offender. It is a general rule in all cases, civil and criminal, the best evidence that may be had, or that the nature of the thing will bear, is to be given. Many times juries, together with other matter, are much induced by presumptions, either

Records of
convicts.

* A similar list had been sent by Hibbins to Governor Hunter in November, 1795.—Vol. ii, p. 340.

1796
22 Feb.

alarm mutually afford their assistance to each other by assembling without a moment delay whenever any numerous body of the natives are known to be lurking about the farms. By such an active attention to their own safety and interest there can be no doubts but that the visits of those people would be less frequent than of late they have been, and many lives would thereby be preserved.

Mutual assistance.

It is therefore hereby expected and ordered by the Governor that all the people residing in the different districts of the settlement, whether the alarm be on their own farms or any other person's, do upon such occasions shew the most scrupulous attention to this direction, in order that those frequent murders and robberies may be prevented. If it shall hereafter be known that any settler or other person do withdraw or keep back their assistance from those who may be threatened or in danger of being attack'd, they will be proceeded against as persons disobeying the rules and orders of the settlement; and the settlers are hereby strictly enjoined to report all such persons as may offend herein.

✓

Protection only.

It is proper here also to signify that it is his Excellency's positive injunction to the settlers and others who have firearms that they do not wantonly fire at or take the lives of any of the natives, as such an act would be considered a deliberate murder, and subject the offender to such punishment as (if proved) the law might direct to be inflicted.

Escaped convicts.

It has been intimated to the Governor that there have been frequently seen amongst the natives two white men, who, it is known, have absconded from their duty, and who, it is believed, direct and assist in those acts of hostility by which so many have suffered. It is therefore recommended to all persons in the settlement who have known and have heard of the white men above mentioned, and particularly to the settlers who are so much annoyed by them, that they do use every means in their power to secure them, that they may be so disposed of as to prevent their being hereafter troublesome or dangerous.

Harbouring the natives.

The Governor takes this opportunity of strictly forbidding the settlers from giving any encouragement to the natives to lurk about their farms. There can be no doubt but that had they never met with the shelter which some have afforded them they would not at this time have been so very troublesome and dangerous.

The General Court-martial, of which Capt. William Paterson is President, is dissolved.

JNO. HUNTER.

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

24 Feb. Sir, 24th February, 1796.

Captain Macarthur I have for some time observed with a more than usual degree of concern that the increasing difficulties of my situation

would oblige me to decline any further interference in the affairs of the settlement than what my duty as an officer of the New South Wales Corps requires. 1796 24 Feb.

The difficulties of which I complain I cannot but attribute to a want of support in the measures I have recommended for the regulation of the district under my command, and to the loss of that confidence which your Excellency was once pleased to express. To continue an office under such a conviction must inevitably be disadvantageous to the public interest, and degrading to the person exercising it. I have therefore humbly to request your permission to resign the appointment I received three years since from Lieutenant-Governor Grose, and which I had the honor to receive a confirmation of from you.*

complaints
of lack of
support.

✓✓

I am, &c.,

JOHN MCARTHUR.

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

Sir,

26th February, 1796.

26 Feb.

I, last night, received your letter of the 24th, expressing your concern that the increasing difficulties of your situation would oblige you to decline any further interference in the affairs of the settlement more than what your duty as an officer of the New South Wales Corps required of you. Hunter's reply to Macarthur.

The difficulties of which you complain you say you cannot but attribute to the want of support in the measures which you have recommended for the regulation of the district under your command, and to the loss of that confidence which I once professed to have in you—for these reasons you desire permission to resign a situation in which you had been placed by Lieutenant-Governor Grose three years ago.

To this letter I have only to reply that your complaint of want of support in the measures you have recommended can only have proceeded from my choosing to have some opinion of my own in those services for which I feel myself responsible to his Majesty, and the loss of confidence in you is a conjecture apparently founded in my wish and desire that every officer should do the duty he was designed by Government to perform, and my opinion that no other appointment whatever could be considered as meant to render him a cypher in the department of which he is appointed the chief. Will exercise his own opinion.

My confidence in you has been uniformly conspicuous in every other respect; but our opinions differing so widely in points which I conceive [to] be of some consequence to the King's service, it is Hunter's confidence in Macarthur.

* See also Vol. ii, pp. 14, 226, 327, 507, 511, and post, p. 422. So far as can be gathered from the MSS. which have been preserved, this was the first time Macarthur openly disagreed with the officer administering the Government.

1796 impossible that I shou'd object to your wish of withdrawing your
 26 Feb. assistance from that which has now become so very irksome and
 unpleasant to you. I am, &c.,

JOHN HUNTER.

GOVERNMENT AND GENERAL ORDER.

26th February, 1796.

Parole—Mildness.

Countersign—Clemency.

A soldier
punished.

THE New South Wales Corps to be under arms at 6 o'clock to-
 morrow morning, at which time the sentence of the General
 Court-martial, held on the 18th and 19th instant, on Joseph
 Draper,* private in Major Nepean's company of the same corps,
 is to be put in execution. JNO. HUNTER.

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

27 Feb.

Sir,

Parramatta, 27th February, 1796.

Macarthur's
resignation.

The permission which you have had the goodness to grant
 me in your letter of the 26th instant, of resigning the appointment
 I received from Lieutenant-Governor Grose, has relieved me from
 such a multitude of cares that I shall retain a grateful sense of the
 indulgence. I cannot, however, quit an arduous and painful employ,
 which I have exercised more than three years without reward, and
 suffer my motives for so doing to be misunderstood.

Explaining
his reasons.

I complained of want of support in the measures I had recom-
 mended, not because your Excellency chose to exercise an opinion
 of your own different from mine, but because persons were permitted
 to remove at their pleasure, without acquainting me, the workmen
 whom you had placed under my direction, and this so frequently
 that I have found it utterly impossible to preserve any order or
 correctness in the execution of the business with which you have
 been pleased to entrust me. A reference to the storekeepers' books
 will satisfy you of the number of men who have lately quitted the
 public employ. The whole of those have removed themselves from
 the situations in which I had placed them without either my
 knowledge or consent, and by accident alone have I heard that
 their absence was sanctioned.

Table-talk.

Nothing can be more gratifying to me than to be assured I have
 suffered no diminution of your confidence—the contrary belief has
 been a source of as great concern, nor was the opinion altogether
 entertained on conjecture. An officer informed me that Mr. Atkins
 publicly asserted at your table that the most glaring partiality had
 been exercised in the receiving maize at the stores of this settle-
 ment.

I heard not that the informer received any check, and I con-
 sequently concluded that he had met with attention. If it were

* Joseph Draper was the principal witness against Palmer and Skirving.—Vol. II, pp. 862,
 863 and note, and post, p. 33.

possible that I cou'd have encouraged or connived at a practice so unjust, I shou'd silently have borne the loss of your confidence, and admitted the justice of the severest rebuke. 1796
27 Feb.

I have, &c.,

JOHN McARTHUR.

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

Dear Sir,

29th February, 1796.

29 Feb.

Your letter of the 27th, addressed to me as public, does not require any reply from me which can be considered as involving the King's service; I do not, therefore, write you formally. An informal letter.

To discuss the various circumstances in which we may have differed in opinion would only lead into a labyrinth of investigation, and leave off as little informed as when we began. I shall, therefore, only remark on what you have noticed was a conversation at my table. If such a subject was ever agitated there its impression on my mind had been so very slight that I neither recollect the circumstance you have mentioned, nor when there happened an opportunity for the person you have named making such observations in such place. If ever those hints had been dropt there, and if it had been intended that they shou'd have involved you in my censure, it is highly probable that they would not have been mentioned quite so publicly. I never sanction anything of that nature, nor shall I be ever found to encourage those who have a turn for acting the incendiary. I can only express my concern that there shou'd be a single character in this colony who felt more delight in having an opportunity of creating distrust and discord than of promoting confidence and harmony. An idle rumour.

I am, &c.,

JOHN HUNTER.

GOVERNMENT AND GENERAL ORDER.

29th February, 1796.

Parole—Friendship.

Countersign—Confidence.

CAPT. John McArthur, of the New South Wales Corps, having signified to the Governor that the various duties on which he was liable to be called renders it difficult for him to pay that attention to those of his appointment as Inspector of Public Works which the situation required, and on that account requested permission to resign the appointment: MacArthur's resignation. ✓

His Excellency has therefore thought fit to nominate Richard Atkins, Esq., to perform that duty until further orders. His successor.

JNO. HUNTER.

THE ESCAPE OF THOMAS MUIR.*

THOMAS HARDY has received a letter from Mr. Margarot, dated Port Jackson, March 1, 1796. It comes by the Ceres. He says: 1 March.

* Reprinted from *Saunders's News-Letter* of Saturday, 18th February, 1797.

1793 prove for any man to do the duty of a civil magistrate when, by the proper discharge of that duty, he is liable to the reproaches and insults of a body of officers, some of whom we know were at that time in the Commission of the Peace.

The outrage committed by the military which occasion'd this correspondence was transmitted home, and laid before the Secretary of State in 1796.

✓ The case of John Baughan. Mr. Balmain, in his capacity as a civil magistrate, having met the man (John Baughan) whose house had been attacked and furniture destroyed, had questioned him on the subject. At this time the whole of the inhabitants were alarmed, and there was a general cry for justice; but it having gone forth amongst the military that Mr. Balmain had interrogated Jno. Baughan upon the business, and that he had found him, from fear, inclined to submit to his sufferings, Mr. Balmain told him he was liable to prosecution for compounding a felony, and that he, Mr. Balmain, might, perhaps, be the first to forward such prosecution. Upon this idea of the military that Mr. Balmain, who was only acting as a strict magistrate, had interrogated Jno. Baughan, he received a letter in the name of the military officers, the purport of which was, as near as I can recollect, that the writer was instructed by his brother-officers to request an answer to two questions. The first was, if he had insisted or advised Jno. Baughan to prosecute the soldiers? The other was whether he had threatened Baughan with a prosecution if he withdrew his complaint? [The document was signed by John Macarthur.]

A letter from the officers.

✓ Macarthur's alleged disposition. Mr. Balmain observes in his letter of complaint to the Govr. that he hopes he shall not be accus'd of malice for observing that Mr. McArthur's propensity to turbulence and litigation has ever been conspicuous in this colony, and that he has not himself scrupled to avow his inclination to be contentious, and to undervalue the power of the civil authority.

Balmain's reply. Mr. Balmain's reply* to the above questions were, first, relative to the prosecuting Baughan if he compounded a felony, that he had said so much to Baughan; and farther, that as the man's wife appeared apprehensive that the soldiers would murder her husband, that he had told him he had nothing to fear on that score. He also added, that if he said more, and any person would put him in mind of it, if it was fact, he would most readily acknowledge he had done so. These answers were addressed to Captain McArthur.

✕ The officers' answer. Mr. Balmain rec'd, immediately after this reply, a kind of note or written message (10th February, 1796) in the name of the officers of the New South Wales Corps, of which the purport was

* In the margin of the original the date of Balmain's reply is given as the 8th February 1796.

"That after a calm and dispassionate consideration of Mr. Balmain's conduct, as expressed in his letter to Capt. McArthur, they should be wanting in justice to themselves if they omitted to express their indignation at his shamefully malevolent interference in the affairs of their corps." 1796

Let any indifferent person consider this, and say what is their opinion of the proper duty of a magistrate in a case where the military happen to be the rioters, and their officers in a body undertake to threaten the civil magistrate for doing his duty? A magistrate's duty.

In this written message they had recourse to a conversation which had pass'd between Mr. Balmain and the surgeon of the corps, who had agreed with him in saying that in consequence of this last outrage they were all damn'd. They conclude this message by observing that those predicted curses would probably recoil on his own plotting head and guilty heart.

Upon this message Mr. Balmain wrote (10th February) to the commanding officer of the corps, in which he acknowledges an esteem for many officers of the corps. He says that he despises and positively denies the malevolent charges with which they have branded him, and that he is fully persuaded that, altho' the whole body of the officers are drawn into this dispute, and that in their name generally they have endeavour'd to heap reproach upon his head, they have been excited thereto by the base insinuation of some particular person who delights in strife, and who would meet from him the chastisement he merits if he cou'd fix on him. Balmain and the officers.

To this letter Mr. Balmain did not receive any answer. He, however, thought fit, after writing the above letter, to reply to their written message by a letter addressed to Captain McArthur, to the following effect:—That he thinks it scarcely within the bounds of probability that any set of gentlemen could be led, from any wish of their own, to address him, who had given them no personal offence, in the opprobrious language which the officers of the New South Wales Corps had thought proper to apply to him that day, and that as the letter he had receiv'd on the present subject two days ago was from him, and that which was left at his house that day was in his handwriting, he had no doubt but that he was the chief promoter and principal author of the abuse with which he had that day been loaded. He then acknowledged his esteem for many of the officers, and concludes by telling him that he considers him a base rascal and an atrocious liar and villain, and says his friend, Mr. Palmer,* the Commissary, who is the bearer, will receive his answer. Balmain and Macarthur.

Upon this letter Mr. Balmain the next day (11th February) rec'd a letter signed "the officers of the New South Wales Corps," in which they tell him that Mr. Palmer having declin'd to deliver a verbal message from them, they had caus'd it to be written, and A challenge. The officers accept it.

* Palmer lived at the head of Woolloomooloo Bay. Palmer-street derives its name from him.

1796

29 Jan.

Hibbins's
correspon-
dence.

wrote to you and his Excellency the Governor on the same subject, but with some material additions, intending them to be transmitted by different conveyances, on account of the probability or possibility of still existing war and captures, as well as the common risk and perils of the seas.

An omission.

By a casual omission or oversight his Majesty's Letters Patent* creating and establishing the Court of Criminal Judicature intended by the Act of Parliament to be established in Norfolk Island does not make its appearance. I have brought with me my Commission as Judge-Advocate of the same, and the Act of Parliament, but the Act expressly says in the second clause: "And be it further enacted, by the authority aforesaid, that his Majesty may, by his Commission under the Great Seal, authorize the Lieutenant-Governor, or person for the time being administering the government of his Majesty's settlement in Norfolk Island, to convene from time to time, as occasion may require, a Court of Judicature for the trial and punishment of all such outrages and misbehaviours as if committed within this realm would be deemed and taken, according to the laws of this realm, to be treason, or misprision thereof, felony, or misdemeanour," &c., &c., but such Commission under the Great Seal, or his Majesty's Privy Seal, or his Majesty's Letters Patent, are not at present to be found in the Southern Hemisphere; it would be, therefore, highly illegal to hold such Court. In consequence thereof, his Excellency has caused the oaths of office and qualification usually taken and subscribed by a Justice of Peace to be administered to me, that I may confine myself to acting in that capacity alone until the Patent does arrive. I have also observed, upon a perusal of a copy of the Patent for New South Wales, that a Court of Civil Jurisdiction is thereby ordained and directed to be held, composed of the Judge-Advocate and two other fit and proper persons inhabiting the said settlement, to which Civil Court is given power "to hold plea of, and to hear and determine in a summary way all pleas concerning lands, houses, tenements, and hereditaments, and all manner of interest therein; and all pleas of debt, account or other contracts, trespasses, and all manner of other personal pleas whatsoever."

Criminal
Court.

Civil Court.

And the King "farther ordains and grants to the said Court power to grant probates of will and administration of the personal estates of intestates dying within the place or settlement aforesaid," which Civil Court and powers should, I imagine, be contained in the Patent for Norfolk, as well as in that for Sydney. I have also been informed by Capt. Collins that when he first came out to New South Wales he was allowed by Government, and brought with him, a certain number of well-chosen law-books, to

Law-books.

* The Patent was sent out by the ship Marquis Cornwallis, which arrived at Sydney on the 11th February, 1796

assist him in the discharge of his public duty, which aid and allowance I hope will, and pressing request may, be granted to me, for I remained in England near eight months longer than I expected, and after I had settled and arranged my private affairs at a great expence, and during one of the longest and severest winters ever remembered, when all the necessities of life were exorbitantly dear, so that I found it impossible to provide myself with several necessary law-books I ought not to be without, particularly the Statutes at large.

1796

29 Jan.

A list of books supplied to the Judge-Advocate of New South Wales:—The Statutes at large, Hale's *Historia Placitorum Coronæ*, Hawkins's do., Foster's Reports and Discourses upon Crown Law, Crown Circuit Companion, Addington's Penal Statutes, Jacob's Law Dictionary, Blackstone's Commentaries, Burn's Justice, Reeve's History of the English Law, One Year's Session Papers.*

The Judge-
Advocate's
library.

I humbly request that the last editions of these books may be transmitted, and that instead of Burn's Justice and the Crown Circuit Companion, which are amongst those I have already, I may be supplied with those subjoined, vizt. :—Impey's Practice in the Court of King's Bench, Buller's *Nisi Prius*, and the Crown Circuit Assistant, with Wood's Conveyancing, or some other eminent author on that subject.

Subjecting, however, the list in general to such alterations or additions as his Majesty's Judge-Advocate-General, or any of his principal law officers, if consulted, might deem proper to advise.

I wish also I could be supplied with a moderate quantity of stationery, as such is the very nature of my office that I must unquestionably use a great deal, and of which I have but an inconsiderable quantum at present.

I take the liberty strongly to recommend additional information to be inserted in the lists of convicts, usually transmitted with them, and that [what] is the particular crimes or offences they have been guilty of, which would give but little more trouble at the time of making out such lists; but more particularly in cases of perjury. Offenders of this description are in certain cases liable to transportation (see Stat.), and in others to capital punishment; but in these latter cases his Majesty's well-known clemency might be sometimes extended, on condition of transportation for a term of years, or for life; and it would be most injurious to society in any part of his Majesty's dominions to subject them to the testimony of so dangerous an offender. It is a general rule in all cases, civil and criminal, the best evidence that may be had, or that the nature of the thing will bear, is to be given. Many times juries, together with other matter, are much induced by presumptions, either

Records of
convicts.

* A similar list had been sent by Hibbins to Governor Hunter in November, 1795.—Vol. ii, p. 340.

1796

29 Jan.

Hibbins's
correspon-
dence.

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✓✓ Law-books.

* The Patent was sent out by the ship *Marquis Cornwallis*, which arrived at Sydney on the 11th February, 1796

Notice is hereby given to all persons concerned to attend, that every man may be accounted for ; and such as neglect complying with this Order will be sought after and either confined in the cells, put to hard labor, or corporally punished.

1796
4 March.

The sick will be accounted for by the Principal Surgeon, and officers' servants by their employers. Previous to the muster each officer, settler, or other persons having men in their service, whether allowed by Government or hired by themselves, are to give in a return of their names to the Commissary at Sydney, and the different storekeepers at the other districts.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

7th March, 1796. 7 March.

Parole—Gidley. Countersign—King.

His Excellency the Governor is pleased to remit the remainder of the punishment which was sentenced by the late General Court-martial to be inflicted on Joseph Draper.*

Remitting a sentence. ✓

JNO. HUNTER.

CERTIFICATE OF VICTUALLING.

Sidney, 10th March, 1796. 10 March.

I do hereby certify that the whole of the soldiers (and their followers), in number thirty-seven, serving under my command on board the ship Marquis Cornwallis, as guard to protect the ship against the convicts, were victualed by Mr. Michael Hogan, in the following manner: From the 6th of July, 1795, the day I took charge of the detachment on board the said ship, in the Cove of Cork, untill the 9th of August, the day of her sailing (no banyan days)—Two pounds of fresh beef with soup and vegetables each person per day ; one pound of bread per day each person, with as much beer as they chose to make use of. I also understood that previous to my joining the ship the men were victualed as above from the day of their embarking at Portsmouth, the 6th of June.

Victualling soldiers.

I do further certify that the whole of the troops, in number thirty-six, were victualed by Mr. Michael Hogan, at the Cape of Good Hope, from the 24th November to the 20th December, both days included, in the following manner:—Two pounds of mutton with soup and vegetables each person per day, with as much soft bread as they chose to eat, and full naval allowance of liquor and everything else (no banyan days). And that they were victualled on full naval allowance at all other times from their embarking till their landing in this port ; and that they had fresh provisions served them several days during the passage, and every other indulgence shewn them by the said Mr. Hogan,

Fresh food at the Cape.

* Ante, p. 23.

1796 such as giving the sick tea and sugar and many little comforts
 10 March not provided by Government, and that I never knew Mr. Hogan
 to use a soldier ill, or that he suffered an officer, seaman, or other
 person to do so.

JOHN BRABYN,
 Ensign, New South Wales Corps,
 Commandant of the troops on board.

CERTIFICATE OF VICTUALLING.

Sidney, 10th March, 1796.

Victualling I do hereby certify that the female convicts on board the ship
 the convicts. Marquis Cornwallis were victualed by Mr. Michael Hogan from
 their respective dates of embarkation on board the said ship on
 fresh provisions, beer, &c., in the same way that the ship's com-
 pany were served (to say as much as they chose to consume) untill
 the day of her sailing, the 9th of August, 1795.

Fresh food I also certify that during the twenty-five days the above ship
 at the Cape. lay in Table Bay, Cape of Good Hope, the whole of the convicts,
 male and female, in number two hundred and twenty-five, were
 victualed in the following manner by the above Mr. Hogan :—
 One pound and one-quarter of mutton each p'r day, with soup and
 vegetables ; forty-two pounds of soft bread for every six persons p'r
 week (no banyan days) ; and that the whole of the convicts had
 fresh provisions served them several days during the passage.

Vinegar. I do further certify that I used six hogsheads of vinegar, sup-
 plied by Mr. Hogan, in sprinkling the prison-beams and carlines,
 washing the prisoners' births, and giving them to drink, &c.

None of this article being supplied by Government, and that
 among other articles were supplied by the ship, and attention paid
 to the health of the soldiers and convicts by the said Mr. Hogan
 during the voyage, and to the best of my judgment treated with
 every kindness.

MATTHEW AUSTIN, Surgeon,
 Superintending his Majesty's troops and convicts
 on board the Marquis Cornwallis.

CAPTAIN PHILLIP TO UNDER SECRETARY NEPEAN.

13 March. Sir, London, 13th March, 1796.

Captain As I am informed that their Lordships have been pleased
 Phillip. to direct that the Captains Fooks, Murray, and Surridge, who, as
 well as myself, were ordered to Portsmouth, to take the command
 of the different ships,* should be paid their expenses, I request
 that you will please to move their Lordships to direct that the
 sum of twelve pounds eighteen shillings be paid me, being the sum
 allowed those officers.

I am, &c.,

A. PHILLIP.

* Captain Phillip commanded the Alexander from 10th March to 6th October, 1796.

GOVERNOR HUNTER TO LIEUTENANT-GOVERNOR KING.

1796

Sir, Sydney, New South Wales, 22nd March, 1796.

22 March.

By his Majesty's ship *Reliance*, I received your letter of the 22nd February,* with its various accompanying papers. I was very happy, by the same opportunity, to learn that your health, of which I had by the former conveyance received such unfavourable accounts, was so much improved. I feel very much concerned at the necessity there appears for your return to England for the recovery of that health, which I am well assured has suffered from the cares and fatigues of your situation, and assure you that your letter of application for permission to do so shall be forwarded by the earliest opportunity.

King's health.

By the present conveyance, his Majesty's ship the *Supply*, I send the Patent authorising the convening of a Court of Criminal Judicature upon Norfolk Island, which I received by the last ship from England, and as Lieut. Clephan has been, from bad health, obliged to leave the island, another officer will join you by the *Supply*. It will be necessary that you should take the first opportunity of causing the Patent to be publicly read.

Criminal Court.

✓✓

You will receive a proportion of salt provisions, which I agree with you in thinking it necessary you should have upon the island. You will also receive a quantity of slop clothing of the different kinds; but am sorry to say that you cannot be more distressed by the want of all kinds of tools than we are. It is long since demands have been sent home, but none have yet arrived; such as we use we have been obliged to manufacture here, which, for want of proper artificers, is a work of much difficulty. Having received something of the loom kind lately, I have directed that the various articles may be examined, and a couple completed for your use; and a few women will be sent, who, being from Ireland, will probably understand spinning.

Food and clothes.

A small quantity of wine will be sent for the use of the hospital, and I have directed two casks of spirits may also be sent for such use as you may find it necessary in. Seed-wheat will be put in dry casks; I hope as much as you may want for the ensuing time of sowing. Some iron and a little steel the Commissary has directed to forward. He will accompany the various articles with a list for your information.

Hospital and other necessities.

You will continue Martin Timms in the very necessary situation in which you have placed him; and as you have recommended him for such appointment, I shall hope there will be no difficulty thrown in the way of his being continued.

Martin Timms.

I shall send by the *Supply* a young man, son to Mr. Arndell here, who, having been originally bred under his father in the medical line, I hope he may be found a useful assistant in the hospital.

Mr. Arndell, junior.

* Ante, p. 25.

1796

22 March.

The stock
of flour.

I am sorry it is not in our power to send you a proportion of flour; we have not received any lately from England. We are now left to ourselves in that article, and of which I have every reason to think we shall not hereafter find any deficiency, but the want of mills for grinding our corn is a very distressing circumstance. We have not attempted yet to raise either a wind or water mill; in short, our principal difficulty in this respect proceeds from the want of a sufficient number of carpenters, and also of labourers, for the greatest part of the convicts here are out of their time, and it is with difficulty we can furnish enough to compleat various buildings which are indispensably necessary.

Assistant-
Surgeon
Jamison.

You will inform Mr. Jamison, the Assistant Surgeon, that the letter representing the hardship he has suffered since he was appointed to his present situation, by Govr. Phillip, shall be forwarded, with such remarks from me as may be thought necessary for doing him justice. I will also forward Mr. Zachariah Clark's letter for leave of absence.

I am, &c.,

JOHN HUNTER.

GOVERNMENT AND GENERAL ORDER.

22nd March, 1796.

Parole—Industry.

Countersign—Sobriety.

Spirits
landed
without
permission.

FROM the frequent state of inebriation in which great numbers of the lower order of people in these settlements have for some time past been seen, there is much reason to suspect that a greater quantity of spirituous liquors has been landed from the different ships which have enter'd this port than permission had been obtained for, it becomes highly necessary to put a stop, as early as possible, to a practice so pregnant with every possible mischief.

Distribution
forbidden.

The Governor has therefore judg'd it necessary, the more effectually to suppress the dangerous practice of retailing spirits, to desire the aid of all officers, civil and military, and in a particular manner all magistrates, constables, &c., as they regard the good of his Majesty's service, the peace, tranquility, and good order of the colony, that they use their utmost exertions for putting an end to a species of traffic from which the destruction of health and the ruin of all industry may be expected, and that they do endeavor to discover who those people are, who, self-licensed, have presumed to open public-houses for this abominable purpose.

The Governor also informs those who may, after the publication of this Order, be daring enough to continue to act in opposition to its intention, that their house shall be pulled down as a public nuisance, and such other steps will be taken for their farther punishment as may be judged necessary.

JNO. HUNTER.

CLOTHING ISSUED TO CONVICTS.

37

GOVERNMENT AND GENERAL ORDER.

1796

26th March, 1796.

26 March.

Parole—Hull.

Countersign—Humber.

MANY complaints having been made that the hogs belonging to people who inhabit the town of Sydney have been permitted by their respective owners to range at large without even attending to the precaution of having rings and yokes upon them, through which inattention much damage has been done to many of the gardens :

It becomes necessary, therefore, to inform those who are in possession of such destructive animals that it is expected they either shut them up altogether or contrive to have them watched and attended whilst they are out, and that they are not hereafter seen without rings and yokes, otherwise such orders will be given as may prove effectual in preventing the mischiefs which they are daily committing.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

9th April, 1796.

9 April.

Parole—Winter.

Countersign—Clothing.

THE Commissary will issue on Saturday next, the 9th instant, the following articles of cloathing, viz :—

To Men.

1 jacket.
1 waistcoat.
1 pair of breeches.
1 shirt.
1 hat.
1 p'r of shoes.
1 p'r of stockings.

To Women.

1 jacket.
1 petticoat.
1 shift.
1 p'r of stockings.
1 p'r of shoes.
1 cap.
1 handkerchief.
1 hat.

And as it has been too much the practice of the convicts to sell the cloathing they receive from Government as soon as it has been issued to them, it is necessary to give this public notice, that whoever shall be proved to have either sold or otherwise made away with any of the above articles, both the buyer and seller or receiver thereof will subject themselves to corporal or other punishment.

JNO. HUNTER.

GOVERNOR HUNTER TO MR. THOMAS SMYTH.*

By his Excellency John Hunter, Esq., Captain-General and Governor-in-Chief in and over his Majesty's territory of New South Wales and its dependencies, &c., &c., &c.

The Provost-Marshal.

WHEREAS the office of Provost-Marshal of his Majesty's territory of New South Wales has become vacant by the death of Mr. Henry

✓

* Thomas Smyth (or Smith) was originally a sergeant in the marines. When the marines were relieved by the New South Wales Corps, Phillip appointed him a superintendent charged with the receipt and delivery of stores, clothing, &c.

1796 Brewer, late Provost-Marshall thereof, and having thought fit to
April. nominate you to that appointment—

Thomas
Smyth
appointed.

By virtue of the power and authority vested in me, I do hereby nominate, constitute, and appoint you to be Provost-Marshall of this territory in the room of the said Mr. Henry Brewer,* deceased, until his Majesty's pleasure shall be signified. And you will carefully and diligently exercise the duties of that office, following all such orders and directions as you shall from time to time receive from me and from the Governor of this territory for the time being, or from any magistrate or person duly authorized thereto.

For which this shall be your warrant.

Given under my hand and seal, at Government House, Sydney,
this 9th day of April, 1796.

JNO. HUNTER.

Mr. Thomas Smyth hereby appointed Provost-Marshall until his Majesty's pleasure shall be signified.

By command of his Excellency,

DAVID COLLINS,
Secretary to the Colony.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,
28th April, 1796.

28 April.
Portland's
despatch.

My Lord,

By the ship Marquis Cornwallis, which arrived in the port on the 11th of February, with male and female convicts and a few recruits for the New South Wales Corps, I had the honor of receiving your Grace's despatch of the 10th of June, 1795.†

A plentiful
harvest.

I have pleasure in assuring you, my Lord, that our harvest, speaking generally, has turned out well; the quantity of wheat, public and private, taking it at a rough estimation, may amount to from 35,000 to 40,000 bushels,‡ which will more than ensure us bread for twelve months to come, exclusive of maize, which we continue to issue as a part of the weekly ration, and which, being a more certain crop than any other grain in this country, I wish to encourage the cultivation of, to prevent that inconvenience which an unfortunate wheat season might perhaps occasion to us.

At the time of my arrival here, although our wheat looked well, it was, nevertheless, at that time and in that state liable to accident, as appeared afterwards in the destruction of the crops of some of the settlers by blight. I judged it, therefore, necessary, in order to guard against any failure (many of the settlers having ground in a condition for receiving Indian corn, and that being the season

Upon leaving England, Phillip found that Mr. Alexander, who had been appointed Provost-Marshall, had remained in England. He thereupon bestowed the office on Brewer, who held it until his death. Collins states that Mr. Brewer came out with Governor Phillip as his clerk. Phillip himself stated that he rated as a midshipman on H.M.S. Sirius. He was fifty-seven years of age at the time of his death.—Collins, vol. i, p. 492.

† See Vol. II, p. 302.

‡ *Ib.*, p. 311.

for sowing it), to encourage the planting of this grain by a promise that Government would take it off their hands when gathered. This encouragement I thought the more necessary, as many of the settlers and others were unwilling to sow their ground with this grain, but rather to keep it prepared for the next wheat season.* This precaution, to prevent the possibility of scarcity, I hope may meet your Grace's approbation.

1796
28 April.
Indian corn.

With respect to the rearing of live stock, on which you observe, my Lord, that the public bears no sort of proportion to that in the hands of private individuals, your Grace's remark in this particular must have arisen from your not having then received information of what had been imported from Bengal on Government account; but by the next return of Government stock, which shall be forwarded by the earliest opportunity, it will appear that the public possesses more of the larger kind (horned cattle) than all the private stock of that kind in the settlement, notwithstanding some part had been alienated before my arrival.

Live stock.

Government
the largest
holder.

Your Grace will have an opportunity of observing by the return† that the public stock of hogs is much reduced, and this reduction should be accounted for. Many of the settlers should have been (agreeable to a promise made when they were settled) supplied with certain live stock from the public, but this promise had only been fulfilled in a few. I therefore ordered that they might now be supplied as far as we could afford, reserving in the hands of Government a few breeding-sows; and such as were unfit for propagation were killed and issued to the military as a part of their ration. Permit me to assure my Lord that the rearing any considerable number of this kind of stock on the public account will be attended with an expence which your Grace can have but little conception of. The hog not being a grazing animal, and there being nothing in the country yet discovered for their sustenance but grass, they cannot be allowed to run at large; they must be confined and fed upon corn, and very considerable is the quantity they require. Every little farmer can afford to feed a few upon the refuse or damaged corn, and sell it to Government at less than half of what it would cost the public if rearing large numbers. Numerous herds of such animals allowed to run loose would also be dangerous to the farmer, whose grounds are yet all open.

Supplied to
settlers.

To your Grace's observation relative to the quantity of land in cultivation on the public account, permit me, my Lord, to say, I found on my arrival that none had for some time past been cleared for Government, and that a very large proportion of what had formerly been is from its bad quality and exhausted state not now capable of paying the expence of cultivation; it will

Agriculture.

* See General Orders of 29th September and 2nd October, 1795, vol. ii, p. 322.

† By the return of 1st September, 1796, it appears that with the exception of horned cattle the proportion held by private individuals greatly exceeded that held by Government.

1796
28 April.

The bread supply.

✓ Convict labour allowed to officers.

✓ Aids to settlers.

Labourers of officers.

The price of corn.

scarcely return the seed expended upon it, until it has been allowed to lay some time fallow. It therefore becomes necessary for me to weigh and consider well the measures which it may be proper to pursue in order to ensure bread to the settlement, without being obliged to have again recourse to the mother country, which must inevitably be the case if I attend as rigidly as it is my duty to do to the instructions contained in your Grace's letter on the subject of the number of men allowed to officers, in which you refer me to Mr. Dundas's letter of the 30th June, 1793,* on the same subject, where it appears that two men only are to be allowed. Permit me to remark, my Lord, that two men are scarcely sufficient in this country for the common domestic purposes of procuring fuel and water, and the taking care of a small garden, far less for the clearing heavy timber, attending a flock, and cultivating the quantity of land allowed to the officers, all which is done by manual labour. The rearing of live stock, which is an object of the utmost importance to this colony, is chiefly in the hands of Government and of the officers, civil and military, and merits every encouragement. Experience has convinced us that they are not safe in the hands of any other description of people yet arrived here. I must beg leave to repeat my former opinion, my Lord, that it must be by the early and sufficient assistance granted to industrious individuals that this country will become independent, not only independent, but I have no doubt will, in due time, and that at no great distance, have corn to spare. By this early assistance they are the sooner enabled to take their labourers off the hands of Government.

I confess, my Lord, that since I had the honour of your Grace's letter I have felt much anxiety, between a sincere desire to obey your commands, as signified in that letter, and a consideration of the consequences it is highly probable will ensue to the settlement if I attend strictly to the letter of it. More than half the produce of our last harvest has been raised by the industry of the officers of the settlement, and at a very considerable private expence to each of them, in addition to the aid afforded them by Government. If I withdraw their men at this time we can expect but very little corn next year, for they will not be able to work their ground; should that be the case, we may expect that those who do raise a little corn will avail themselves of a scarcity and raise the price, which I had some hope of being able to reduce. By this means I am disposed to think that Government will considerably lose, instead of gain, by the recovery of those men to public labour, and the settlement, in all probability, be again reduced to a state of distress and a dependence for bread on the mother country, a circumstance which I am extremely anxious to prevent. I could say much on this subject, my Lord, to show that if it is the wish or intention of Government to have this

* See Vol. ii, p. 51.

colony increase to a state of respectability, some encouragement must be held out to respectable settlers and industrious people of all descriptions. This can never be the case if it be the intention of Government to cultivate land enough for the maintenance of all the convicts sent here. The farmer will be labouring for a mere subsistence; he can never cloath himself and family if he has no market for his surplus corn, and if Government does not become his purchaser he can have no market. What then, my Lord, must be the consequence? A general indolence, a total inattention to farming, a dissatisfaction with their situation, and a desire to quit the country by every opportunity which offers.

1796

28 April.

Encouragement to the industrious.

There can be very little doubt, my Lord, if we continue to improve as we have lately done, that farmers will be able to take the convicts off the hands of Government; it will therefore be painful to me to check that spirit of industry which at present prevails by depriving those whose endeavours have in a great measure been the means of that progress, lately made by the colony towards maintaining itself, of that assistance by which such improvement has been made, and before they are arrived at that state in which they can afford to take the labourers into their own keeping, to render them incapable of being able to do so. Their own interest, no doubt, prevails in their exertions; but, as I have formerly remarked, even in that way it is to the general advantage of the colony that it should be to a certain extent encouraged.

A tentative measure.

Y

Whatever I have ventured to offer on this subject I hope your Grace will consider as proceeding from that motive only by which I should be governed—"an anxious desire to promote his Majesty's service"; for private views I can have none but those which proceed from the gratification I shall ever feel in having my conduct approved by his Majesty, and enjoying the good opinion of your Grace.

Hunter's motive.

The difficulties I have had, and still have, to contend with, from a variety of causes, it will not be necessary that I should trouble your Grace with at present; some future opportunity may render it more convenient to communicate, and your Grace to consider them. I shall therefore mention only one circumstance, which should be communicated as early as possible, in order to your Grace having time to consider how it may be remedied. In my letter, No. 1,* by the Young William (*vid* Canton), I mentioned the situation to which Lieutenant-Governor Grose had appointed Captain John McArthur, of the New South Wales Corps—Inspector of Public Works. Such an assistant to the Governor is now become, from the great extent of the settlement, indispensable; but Captain McArthur having given in his resignation of that appointment, in consequence of its occupying the whole of his time, and no allowance having yet been granted him for his

His difficulties.

The Inspector of Public Works.

* See Vol. ii, p. 327.

1796 trouble, it now becomes vacant.* I wish I may be able to convince your Grace of the public necessity and advantage of such an appointment, and that it will be more properly attended to under the direction of a civilian than a military man, for it becomes extremely inconvenient to have military notions blended with duties of so very different a nature; it is a situation also which would be of much utility should the possessor have a considerable share of agricultural knowledge.

Conduct of the military. What your Grace observes on the conduct of the military at Norfolk Island I particularly notice, having had very lately but too much cause to complain of similar violence and outrage on the part of those doing duty here, the particulars of which it would be highly improper in me to suppress or keep from your Grace's knowledge; it will therefore be the subject of a subsequent letter.

I have, &c.,

JNO. HUNTER

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

30 April.

My Lord,

30th April, 1796.

Norfolk Island.

Its requirements.

Your Grace will receive by this conveyance letters from Lieut.-Governor King, in which he solicits permission to return to England for the recovery of his health, which I am exceedingly concerned to understand is very much impaired. In the month of March I despatched his Majesty's ship Supply to Norfolk Island, and forwarded by that opportunity such articles of their wants as we were capable of supplying. The Lieut.-Governor was desirous of having a certain proportion of salted provisions on the island, a circumstance in which I perfectly agreed with him, least from any accident their supply of swine's flesh should fail them. I therefore, by that opportunity, sent as much of that article as will compleat them to about eight months. They were also much in want of every kind of tools both for agriculture and for the use of artificers. In this particular we were not capable of assisting them, having none but such as we could from time to time manufacture ourselves for our own use. Slops, and every other store, of which we have had lately a supply, were also sent, as far as the quantity we had here would admit.

I forward to your Grace a letter from Mr. Zachariah Clark, Deputy Commissary on Norfolk Island, requesting permission to return to England on account of ill-health.

I must beg permission, my Lord, to observe that the manner in which all the ships sent to this colony are chartered must ever be felt as a particular and distressing inconvenience to officers and others whose constitutions may have been impaired upon this

* Ante, pp. 26 and 27. Hunter does not mention in this despatch that he had appointed Richard Atkins to the position.

service, and who from ill-health may be rendered no longer capable of their duty in this country. The charter-party of the ships is so settled that the day on which they are cleared of their cargoes here they are discharged from the service of Government, and prepare for a voyage under agreement with the East India Company either to China or some part of India, so that there cannot be the smallest chance or opportunity for a sick person to be sent home, unless they can afford to pay more for their passage than their whole pay during their service here might amount to, exclusive of the hardship, under such state of health, of a tedious and circuitous navigation. Allow me, my Lord, to suggest that, in order to remove the melancholy prospect which every officer of whatever description must constantly feel himself oppressed by, when overtaken by sickness here, of being either ruined in his circumstances in endeavouring to get home or remain here without any hope of recovery; that if it were ordered that a ship once in a certain period of time (suppose two years) were to be chartered so as to return from hence directly for England in Government's employ, instead of going to India, this hardship would be effectually done away, and a prospect opened for their yet reaching their native country in time to be furnished with such medical assistance as their malady might require. This, no doubt, will be attended with some expence, but humanity renders it unavoidable.

1796

30 April.

Invalided officers.

The system of chartering transports.

Relief of sick officers.

I have forwarded for your Grace's inspection a paper* containing a representation addressed to Lieut.-Governor King, from Mr. Thomas Jamison, the assistant surgeon on Norfolk Island, and I must beg leave to say, my Lord, that he does not complain without cause; his representation is strictly true. He served as surgeon's first mate on board his Majesty's ship, Sirius, under my command, upon this service, and was ordered to take charge of the medical duty on Norfolk Island, when first settled by Governor Phillip. I endeavoured to point out when I was in England that this gentleman's name had been confounded with that of a superintendant of convicts of the same name, and that he had received no better pay than the superintendant. His situation as surgeon's mate of the Sirius entitled him to full as much. I am of opinion, my Lord, that his Commission for his present appointment has been stated by mistake junior to the last two assistants sent here, both of whom have been but a very short time in the country, whilst Mr. Jamison has served upon Norfolk Island since 1788, and was appointed regularly by Governor Phillip as assistant surgeon in 1793. Governor King's opinion of Mr. Jamieson's merits I also inclose.

Assistant-Surgeon Jamison.

Mr. Leeds, who came out in his Majesty's ship Supply as an assistant surgeon to the settlement, having written to me that his health is so impaired as to render him incapable of duty, and that he is of opinion if he continued longer in this country his life will

Assistant-Surgeon Leeds.

* Ante, p. 23.

1796 be endangered, I have therefore permitted his return, and have
 30 April. appointed Mr. D'Arcy Wentworth, who has officiated as an
 D'Arcy assistant in the hospital at Norfolk Island since the year 1790,
 Wentworth. to succeed, thinking his claim a very fair one.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

Dear Sir, Sydney, N. S. Wales, 30th April, 1796.

I write this by the ship Marq's Cornwallis, which brought
 us some convicts from Ireland, perhaps as desperate a set of
 Desperate convicts. villains as were ever sent from that or any other country. We
 will endeavour, however, to manage them as well as may be neces-
 sary. The commander of this ship having purchas'd a farm which
 was partly clear'd, situated on the banks of the river Hawkesbury,
 has left several people upon it from his own ship, and a few of the
 Captain Hogan. convicts he brought out he has taken off the hands of the public,
 and seems determin'd to make his farm productive. He has left
 some live stock, tools of every kind, and, in short, promises fair to
 [become] really a respectable farmer. It would have been well for
 this colony cou'd we have early had fifty or a hundred such settlers,
 ✓✓ A desirable class of settlers. but many of those who have been permitted to fix are truly worth-
 less characters, and very few of those sent out by permission of
 Government are likely to benefit the settlement. They seem, most
 of them, dispos'd to speculate in some way of no great advantage
 to the colony. I wish they were in their own country again.

The commander of the above ship (Captain Hogan), I believe,
 is a man of property and good connections. He mentioned to me
 that he lik'd the country and climate, and had some intention of
 making proposals to Government to be permitted to establish a
 store here, for the supplying with every article which may be
 wanted either the settlement at large or individuals. I have long
 wish'd that some steps cou'd be taken for this much to be desir'd
 purpose; it wou'd be a means of suppressing effectually that
 A long-felt want. shamefull imposition which has so long distress'd poor individuals
 who pay for every little article they may have now and then
 an opportunity of purchasing the most unjust and unreasonable
 prices.

It wou'd also be a means of introducing the manufactures of
 our own country in greater abundance into this settlement, and
 thereby lessen the speculations of Foreigners and adventurers from
 the East Indies.

As Captain Hogan will have his proposals upon this subject to
 offer soon after his arrival in England, I will not trouble you
 farther than to observe that a public store for the sale of the
 Advantages of a public store. various articles which are often wanted here, as well little luxurys

as necessarys, wou'd be felt by all ranks a very comfortable thing, and by a moderate or reasonable profit wou'd prevent great inconvenience, much imposition, and often considerable distress and poverty.

1796
30 April.

I have encourag'd his ideas by observing that, if his proposals were attended with moderation in point of profit, I thought it probable Government might listen to them.

I sincerely wish you long and perfect health, being with great esteem, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord,

30th April, 1796.

The indispensable necessity I find in every district of this colony of having a sufficient number of the best characters which can be selected to undertake the very fatiguing duties of a constable has rendered it at the same time as necessary that some reward or encouragement be held out to such people as may be employed in this office, as a stimulus to their exertions in preventing the robberies which have been, and still continue to be, so frequently committed amongst us. I have therefore inclosed for your Grace's information the rewards which I have promised to the inferior constables who patrol in the night and are constantly at call ; but the chief (and there should be a chief constable in every district, who should be a free man) I am at a loss what encouragement to hold out to. His duty becomes very considerable, having the whole direction of the inferior constables, and is such as scarcely to leave him one hour in the twenty-four to himself. I must therefore beg to leave him to your Grace's consideration.

Rewards to
constables.

It would be highly pleasing to me, my Lord, were it possible to do without any of those situations which occasion the smallest additional expence to the Government ; but I am satisfied that when your Grace reflects or considers the description of people we have here to manage you will not be surprised, or think the steps which I take to keep them in order unnecessary. In the district of the Hawkesbury, from which I have just arrived, and where everything wears a very promising aspect, as far as relates to the different farms, yet there the want of a Justice of the Peace to take immediate cognizance of all complaints, to direct punishments to be inflicted instantly on the offenders, and by his residence on the spot to keep order, is so very much wanted that I was under the necessity of taking the Judge-Advocate from his duty here to regulate complaints and disagreements relating to property, as well as to enquire into several robberies there. The number of officers in the civil department are now felt to be so

Necessity of
maintaining
order.

✓

Administra-
tion of
justice at
the Hawkes-
bury. ✓

1796 be endangered, I have therefore permitted his return, and have
 30 April appointed Mr. D'Arcy Wentworth, who has officiated as an
 D'Arcy assistant in the hospital at Norfolk Island since the year 1790,
 Wentworth. to succeed, thinking his claim a very fair one.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

Dear Sir, Sydney, N. S. Wales, 30th April, 1796.

Desperate I write this by the ship Marq's Cornwallis, which brought
 convicts. us some convicts from Ireland, perhaps as desperate a set of
 villains as were ever sent from that or any other country. We
 will endeavour, however, to manage them as well as may be neces-
 sary. The commander of this ship having purchas'd a farm which
 was partly clear'd, situated on the banks of the river Hawkesbury,
 Captain has left several people upon it from his own ship, and a few of the
 Hogan. convicts he brought out he has taken off the hands of the public,
 and seems determin'd to make his farm productive. He has left
 some live stock, tools of every kind, and, in short, promises fair to
 [become] really a respectable farmer. It would have been well for
 this colony cou'd we have early had fifty or a hundred such settlers,
 but many of those who have been permitted to fix are truly worth-
 less characters, and very few of those sent out by permission of
 Government are likely to benefit the settlement. They seem, most
 of them, dispos'd to speculate in some way of no great advantage
 to the colony. I wish they were in their own country again.

✓✓ A desirable class of settlers.
 A long-felt want. The commander of the above ship (Captain Hogan), I believe,
 is a man of property and good connections. He mentioned to me
 that he lik'd the country and climate, and had some intention of
 making proposals to Government to be permitted to establish a
 store here, for the supplying with every article which may be
 wanted either the settlement at large or individuals. I have long
 wish'd that some steps cou'd be taken for this much to be desir'd
 purpose; it wou'd be a means of suppressing effectually that
 shamefull imposition which has so long distress'd poor individuals
 who pay for every little article they may have now and then
 an opportunity of purchasing the most unjust and unreasonable
 prices.

It wou'd also be a means of introducing the manufactures of
 our own country in greater abundance into this settlement, and
 thereby lessen the speculations of Foreigners and adventurers from
 the East Indies.

Advantages of a public store. As Captain Hogan will have his proposals upon this subject to
 offer soon after his arrival in England, I will not trouble you
 farther than to observe that a public store for the sale of the
 various articles which are often wanted here, as well little

APPOINTMENT OF CONSTABLES.

45

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1796

30 April.

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I sincerely wish you long and perfect health, being with great esteem, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord,

30th April, 1796.

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Rewards to
constables.

It would be highly pleasing to me, my Lord, were it possible to do without any of those situations which occasion the smallest additional expence to the Government ; but I am satisfied that when your Grace reflects or considers the description of people we have here to manage you will not be surprised, or think the steps which I take to keep them in order unnecessary. In the district of the Hawkesbury, from which I have just arrived, and where everything wears a very promising aspect, as far as relates to the different farms, yet there the want of a Justice of the Peace to take immediate cognizance of all complaints, to direct punishments to be inflicted instantly on the offenders, and by his residence on the spot to keep order, is so very much wanted that I was under the necessity of taking the Judge-Advocate from his duty here to regulate complaints and disagreements relating to property, as well as to enquire into several robberies there. The number of officers in the civil department are now felt to be so

Necessity of
maintaining
order.

Administra-
tion of
justice at
the Hawkes-
bury.

✓ ✓ ✓ 1796 30 April. very few that we have not a proper person to place there, and to undertake the duty of a magistrate; and the bringing the offenders from thence to be examined either here or at Parramatta takes a number of people from their duty for several days, besides an escort of constables to attend them on the road.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

ENCOURAGEMENT TO CONSTABLES.

ENCOURAGEMENT to people acting as Constables at Sydney, Parramatta, Toongabbe, and the Hawkesbury.

Allowances
to
constables.

1st. Each to have an additional suit of cloathing annually, in order to their having at all times a more respectable appearance.

2nd. To have a pint of spirits served to each every Saturday.

3rd. To have the same ration served to them which is issued to the military and free people. N.B.—This does not relate to quantity, for that is the same to all descriptions of people, but in the particular articles, it being impossible to regulate that so as to avoid making some distinction; in such case the preference is given to the military and free people.

4th. Those who may have been sent to this country for seven years, and who shall officiate as a constable to the satisfaction of the magistrates of the district in which he acts for the space of three years from his appointment as such, shall be entitled to emancipation, and be at liberty to leave the settlement whenever he chooses.

5th. Those who may have been sent to this country for fourteen years, and who shall officiate as above for the space of seven years, shall be entitled to the same reward and advantages.

✓ 6th. Those who may have been transported for life, and who shall officiate as above for the space of ten years, shall be entitled to the above advantages and to conditional emancipation, i.e., freedom in this country and liberty to become settlers.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord,

30th April, 1796.

The Scotch
Martyrs.

✓ There having been certain persons sent to this colony whose names had, at the time I left England, been much mentioned in public, and whose seditious conduct in their native country had brought upon them that sentence which had occasioned their removal to this, and as some changes amongst them have reduced the original number who had been landed here, I judge it necessary that your Grace should be informed of those people

particularly, in order that no untrue reports of their situation in this country may be circulated by their friends or connections without its being immediately detected. 1796
30 April.

An American ship named the Otter, commanded by Ebenezer Dorr, and belonging to Boston, having touched at this port to refresh his ship's company, and to have some small repairs done to the ship, being bound on a voyage to the north-west coast of America and China, after having been treated here with much civility, and assisted in his repairs as far as it was in our power to forward them, he, contrary to a very pointed article in the Port Orders, which he had received on his arrival, carried from hence several people, for whose embarkation he had not obtained any permission, and, amongst the number, Mr. Thomas Muir. Muir escapes in the Otter.

When the Sovereign, storeship, arrived here, I found Mr. Joseph Gerrald had been sent out in that ship. He was landed here in a very declining state of health, which rendered it necessary that he should reside in some quiet and retired situation. For this purpose application was made to me for permission for his purchasing a small house and garden (then to be sold) in the neighbourhood of Sydney, but so retired as suited the weakly state he was in. Permission was immediately granted for his residing in any place that might be convenient to his health. Here he saw his friends, and was visited by the surgeon, but he was soon pronounced to be in a rapid consumption, of which he died on the 16th day of March last. Gerald.

Mr. William Skirving, a very decent, quiet, and industrious man, who had purchased a farm already cleared, and was indefatigable in his attentions to its improvement, just as the labour of the harvest was near over, was seized with a violent dysentery, of which he died on the 19th of the same month. There, therefore, remain of the five persons who were sent out under that particular sentence only two, Mr. Fyshe Palmer and Mr. Margarot, who live quiet and retired. Skirving.
Palmer and Margarot.

Those who are now gone have been often heard to complain of the want of that attention from their friends in England which they had been led to expect, but of which they had not since their arrival here received any proofs whatever. They for some time after my arrival continued to live independent of the public store, and appeared to have little doubt, thro' the assistance of those friends, in whom they appeared to have much confidence, that they would be enabled to live without the aid of Government. They have, however, from the disappointment of expected supplies which they looked for by some of the several ships which had lately arrived here, been under the necessity of requesting that I would order them provision from the public store, which they now receive. Disappointed by their friends in England.

I have, &c.,

JNO. HUNTER.

1796

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

2 May.

Sydney, New South Wales,

My Lord,

2nd May, 1796.

Convicts
attempt to
seize a
transport.

The
captain's
action
justified.

Upon the arrival of the ship *Marquis Cornwallis* in this port I received information, as mentioned in my letter, No. 8,* from Mr. Michael Hogan, her commander, that a very desperate plan had been laid by the convicts, and was in considerable preparation, for seizing the ship and murdering the officers and ship's company during her passage to this country, and that this combination of villains was promoted and headed by a serjeant of the New South Wales Corps, who was embarked in that ship as a part of the guard intended for the security of the convicts. I directed such enquiry to be made into this affair as might enable me to lay the whole of this horrid transaction in as clear a light as possible before your Grace, which shall be done by the first opportunity after the departure of the above ship. All I can at present observe upon it is, "that the steps which were taken by Capt. Hogan, in conjunction with the two officers and soldiers embarked with him and the officers and crew of his own ship, as laid before me after the enquiry, appear to me to have been the only means which could have been used to save the ship and their own lives."

I have, &c.,

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

4 May.

4th May, 1796.

Parole—Indispensable.

Countersign—England.

D'Arcy
Wentworth.

His Excellency the Governor has been pleased to appoint, by warrant bearing date the first day of April, 1796, Mr. D'Arcy Wentworth to be an assistant surgeon at the General Hospital, in the room of Mr. Saml. Leeds, permitted to return to England for the recovery of his health.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

5 May.

Sydney, New South Wales,

My Lord,

5th May, 1796.

The post of
Chief
Surgeon.

I have just receiv'd the enclosed letter from Mr. Balmain, who officiates as principal surgeon to this colony in the absence of Mr. White, who is at this time in England. If the circumstance of which he complains has been correctly stated to him, and does actually exist, he has cause for uneasiness. It has hitherto been understood as a rule of Government that whenever any officer in the civil department has obtain'd leave of absence from his duty in this country some other person has been authoris'd to take upon him that service, and, as a compensation, he has been allow'd a moiety of the salary of that officer untill his return. This allow-

* Ante, p. 32.

ance, by Mr. Balmain's letters, appears to have been refus'd to him, which, if he has not been misinformed, is no doubt a grievance which it will require your Grace's directions to remove. 1796
5 May.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

ACTING CHIEF-SURGEON BALMAIN TO GOVERNOR HUNTER.

Sir,

General Hospital, 5th May, 1796.

I have this day received a letter from my agents, Messrs. Clementson and Denton, dated the 8th of August, 1795, stating that in consideration of my doing the duty of principal surgeon in this territory, in the absence of Mr. White, the principal surgeon thereof, they had applied to Mr. Chinnery, the Colonial agent, for an addition of five shillings a day to my salary on that account; that Mr. White, who was present when this demand was made by them, objected to it, and affirmed that he had at his own private expence engaged a person to assist me in the execution of my duty as principal surgeon. Balmain acting as White's locum tenens.

I appeal to your Excellency whether such an affirmation is true, and whether Mr. White, in endeavouring to prevent my receiving what in common justice is my due, has not artfully cast an unworthy reflection on my ability to take upon me the charge in his absence.

I humbly hope your Excellency will be pleased to represent the justice of my claim to a moiety of Mr. White's salary for doing his duty, in common with the persons who are to officiate in the absence of the Judge-Advocate and Commissary. He claims half White's salary. ✓✓

Mr. White left this settlement early in December, 1794, from which time I am considered as acting in his situation

I will not trouble your Excellency with any observation on Mr. White's motives in this transaction, but shall only add that I have ever felt equal to, and ready to perform with chearfulness, every duty that has fallen to my lot in this settlement, and hope that your Excellency will use your influence with his Majesty's Principal Secretary of State to obtain redress for the injustice that has been done me.*

I have, &c.,

W. BALMAIN,

Acting as Chief Surgeon to the territory of New South Wales.

GOVERNMENT AND GENERAL ORDER.

12th May, 1796.

12 May.

Parole—Sussex.

Countersign—Essex.

Two men from each farm are to be sent in for the purpose of unloading the Britannia, storeship, which service is to commence on Monday next. Unloading a storeship.

JNO. HUNTER.

* Post, p. 98. Surgeon White declined to leave England, and Mr. Balmain was appointed to the position.

1796

GOVERNMENT AND GENERAL ORDER.

13 May.

13th May, 1796.

Parole—Suffolk.

Countersign—Norfolk.

An
execution.

THE New South Wales Corps to be under arms to-morrow at twelve o'clock in the forenoon, for the purpose of attending the execution of the prisoner now under sentence of death.*

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

22 May.

22nd May, 1796.

Parole—Newcastle.

Countersign—Durham.

Wheat in
lieu of flour.

THERE being but a small quantity of flour remaining in the public stores, none of that article will be issued to the prisoners on Saturday next, in lieu of which they will receive an addition of three pounds of wheat; the other articles of the ration to them and to the military and free people remain as directed on the 5th of February.†

JNO. HUNTER.

EX-GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

1 June.

Sir,

Alexander, Spithead, 1st June, 1796.

Phillip on
the
Alexander.

You will be pleased to acquaint the Lords Commissioners of the Admiralty that, in obedience to their Lordships' orders, which I received the 27th of May, I attempted getting out of Plymouth Sound the next day, but drifted so near the land, from a squall, before sail could be made, that I was obliged to anchor again, and remain in the sound till yesterday, when, by leaving an anchor, I got under sail, and anchored this morning at Spithead.

As his Majesty's ship under my command is ordered for sea, I beg leave to represent to their Lordships that the number short of compliment, with those left at Plymouth Hospital, makes the whole number deficient thirty-seven.

I have, &c.,

PHILLIP.

GOVERNMENT AND GENERAL ORDER.

4 June.

4th June, 1796.

Parole—Long live.

Countersign—The King.

Prisoners
pardoned.

HIS Excellency the Governor is pleased to pardon and release such prisoners as are now confined in the cells.‡

JNO. HUNTER.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

8 June.

Sir,

Whitehall, 8th June, 1796.

I have laid before the King, Captain Paterson's letters—one of the 21st of March, 1795,§ and two of the 15th of June last.||

* The prisoner referred to was pardoned by Hunter, at the instance of the Rev. Richard Johnson, on condition of serving seven years at Norfolk Island.—Collins, vol. i, p.

† Ante, p. 16.

‡ The 4th June was the King's birthday.

§ Vol. ii, p. 285.

|| Ib., pp. 300, 312.

The general state of the colony, and its progress and improvement, is a subject of great satisfaction to his Majesty.

1796

8 June.

✓✓

In making such remarks as I judge to be necessary on some of the points mentioned in the letters before me, it gives me singular pleasure to find that the several instructions and directions which you have already received do, of themselves, sufficiently point out to you the proper correction of some abuses which at present exist.

The correction of abuses.

The first of the above letters incloses a copy of one of the 4th of March, 1795, from Lieutenant-Governor King, whereby it appears that, notwithstanding the very great and abundant plenty of swines' flesh in Norfolk Island and its dependencies, he has given sixpence a pound for that article for the stores, for no other reason but because he was authorized to do so in the September preceding; whereas it was his duty to have made the best bargain for the publick, and to have proportioned his price to the plenty of the article. I must add, from the very rapid increase of hogs in that island, that the publick stock, under proper management, ought to have been infinitely more numerous. Altho' the general conduct of Lieutenant-Governor King is highly commendable, you will not fail to give him such instructions on the subject I have mentioned as may best and most effectually promote the increase of the publick stock and provisions. The like attention to the increase of the publick stock and public stores is equally wanted and equally necessary at New South Wales. The purchases from individuals have been considerable, and at extravagant prices, whilst neither the land in tillage nor the live stock belonging to the Crown bears a reasonable proportion to the strength which might and ought to have been employed upon its concerns.

The purchase of pork at Norfolk Island condemned.

King's general conduct commended.

It is observed in one of the above letters of the 15th of June that from the increasing number of settlers, and from the assistance which must unavoidably be given to this description of people, but few are left for tillage and other necessary works; whereas, from the number of convicts returned, it is evident that unless they are improperly employed by and on account of individuals at the expence of the public, by whom they are fed, there could not be such a want of hands as is here stated. The instructions, therefore, which you have received with respect to the employment of convicts appear to have been highly necessary.*

Absorption of convict labourers.

Captain Paterson has not transmitted any regular list of the live stock belonging to the Crown landed from the Endeavour, and the number of cows she brought is left in his letter with a

Stock landed by the Endeavour.

* Reference is here made to the instructions—first to Grose, and then to Hunter—relative to the number of convict servants, fed and clothed by the State, to be allowed to each officer. Hunter explained his inability to effect the desired change in his letter of 28th April, 1796, ante, p. 40.

1796 blank. I must observe that, where the increase of cattle was the
8 June. main object, it seems strange that forty oxen should have been
selected as part of the cargo.*

The As salted provisions alone were wanted, it appears to me that
Britannia. in chartering the Britannia, in case salted provisions were not to
be had at the ports she was to touch at, the master should have
been directed to procure some live stock, concerning which he
appears to have had no directions whatever.†

Settlers at The steps taken by Captain Paterson for the protection of that
the Hawkes- part of the settlement which is on Hawkesbury River, and for
bury. instilling into the minds of the natives a proper degree of respect
and regard for the colony, appear to have been highly proper.‡

I take this opportunity to apprise you that it is intended to
send about 300 convicts to New South Wales in the course of
the next autumn.

You will receive this by the Sylph, which sails with the Prince
of Wales.§ They carry out, for the use of the settlement, pro-
visions and stores, conformably to the within invoice and list, all
of which I hope will arrive safe and in good order.

I am, &c.,
PORTLAND.

THE WAR OFFICE TO LIEUTENANT-COLONEL GROSE.

10 June. Sir, W.O., 10th June, 1796.

Augmenta- I have the honour to acq't you H.M. has been pleased to
tion of New approve of your offer to raise two comp's for an augmentation to
South Wales the corps, under your command, serving in New South Wales, the
Corps. said comp's to be of the same establishment as the other comp's
of the corps.

Nomination The King leaves to you the nomination of the additional officers
of officers. to be appointed on this occasion ; H.M., however, requires that
the officers recommended for companies shall have served two
years as subalterns, and that the gentlemen named for ensigns
shall not be under sixteen years of age.

On the completion of this augmentation the eldest captain will
be appointed second major of the corps, retaining his company
agreeably to your recommendation.

* Paterson stated in his letter of the 15th June, 1795, that forty oxen had been imported for draught purposes. The number of breeding cattle landed from the Endeavour was 92—viz., 60 cows and 32 calves.—Vol. ii, p. 306; Collins, vol. i, p. 418.

† The Britannia was chartered by Lieutenant-Governor Paterson, in May, 1795, to proceed, first to Batavia; then, if unsuccessful, to Bengal; and as a last resort, to the Cape. She procured her cargo at Calcutta and Madras. The vessel had on board, on private account, one mare and six cows. The mare was sold for £100 (Collins, vol. i, pp. 475, 481). The Britannia arrived on 11th May, 1796, with 957 tierces of salt provisions and a small quantity of rice (post, p. 69).

‡ Paterson had stationed in the winter of 1795 a detachment of the New South Wales Corps at the Hawkesbury to protect the settlers from attacks by the natives.—Vol. ii, 307.

§ The Prince of Wales arrived at Sydney on 2nd November, 1796, and the Sylph on the 17th idem.

None of the officers promoted are to dispose of their present Commissions.

1796

You will be allowed seven pounds ten shillings for each approved recruit.

10 June.

Bounty-money.

In the execution of this measure you will conform yourself to the regulations and instructions now in force in carrying on the recruiting service, a printed copy of which is enclosed.

Upon your reporting to this office the completion of one of the additional companies the same will be ordered to be inspected.

I have, &c.,

W. WINDHAM.

ASSISTANT-SURGEON JAMISON TO EX-GOVERNOR PHILLIP.

Sir,

Norfolk Island, 11th June, 1796.

11 June.

Having communicated to you in a former letter that I had been informed thro' the channel of Mr. Balmain that Mr. Thompson and Mr. Leeds had senior appointments to mine, I thought from the information I had before on that subject that it might have been a mistake, but I have since that time made a particular inquiry, and am sorry to say that it is too true, as Mr. Thompson's Commission is dated in May, 1793, Mr. Leeds in July, 1793, and mine in Oct., 1793, so that instead of being the next in succession to Mr. Balmain, it leaves me the youngest assistant surgeon in the colony; but I still hope, when a proper representation is made to his Majesty's Principal Secretary of State, that he will order the mistake to be corrected, and allow me to enjoy that place in the line of succession which I trust my conduct has merited. If this cannot be obtained, I fear I shall be obliged, from justice to myself and family, compelled to request leave to quit the colony. I fear I have trespassed too far on your goodness, but I trust my feelings on this occasion will plead my excuse, being so disappointed at this period of life, after having served his Majesty sixteen years, incumbered with a family without provision for myself or them.

Assistant-Surgeon Jamison.

His rank.

If the Comptroller of the Navy would allow me to be put on the surgeons' list from the time of your appointment I would again embark in the Navy service, altho' I would still prefer an appointment on shore, as the sea does not agree with me.

Prefers the land to the sea service.

I have inclosed to Mr. Wolfe (my agent) an extract from Major Ross's General Orders on the 21st of April, 1791, at Norfolk Island, also an extract from a letter which I have received from Govr. Hunter since I wrote him on the subject, and an attested copy of your appointment, should they be wanted. I have requested him to call on you, and to take such steps as you may direct.

I remain, &c.,

THOS. JAMISON.

1796 be endangered, I have therefore permitted his return, and have
 30 April. appointed Mr. D'Arcy Wentworth, who has officiated as an
 D'Arcy assistant in the hospital at Norfolk Island since the year 1790,
 Wentworth. to succeed, thinking his claim a very fair one.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

Dear Sir,

Sydney, N. S. Wales, 30th April, 1796.

Desperate convicts. I write this by the ship Marq's Cornwallis, which brought us some convicts from Ireland, perhaps as desperate a set of villains as were ever sent from that or any other country. We will endeavour, however, to manage them as well as may be necessary. The commander of this ship having purchas'd a farm which was partly clear'd, situated on the banks of the river Hawkesbury, has left several people upon it from his own ship, and a few of the convicts he brought out he has taken off the hands of the public, and seems determin'd to make his farm productive. He has left some live stock, tools of every kind, and, in short, promises fair to [become] really a respectable farmer. It would have been well for Captain Hogan. this colony cou'd we have early had fifty or a hundred such settlers, but many of those who have been permitted to fix are truly worthless characters, and very few of those sent out by permission of Government are likely to benefit the settlement. They seem, most of them, dispos'd to speculate in some way of no great advantage to the colony. I wish they were in their own country again.

✓ ✓ A desirable class of settlers. The commander of the above ship (Captain Hogan), I believe, is a man of property and good connections. He mentioned to me that he lik'd the country and climate, and had some intention of making proposals to Government to be permitted to establish a store here, for the supplying with every article which may be wanted either the settlement at large or individuals. I have long wish'd that some steps cou'd be taken for this much to be desir'd purpose; it wou'd be a means of suppressing effectually that A long-felt want. shamefull imposition which has so long distress'd poor individuals who pay for every little article they may have now and then an opportunity of purchasing the most unjust and unreasonable prices.

It wou'd also be a means of introducing the manufactures of our own country in greater abundance into this settlement, and thereby lessen the speculations of Foreigners and adventurers from the East Indies.

Advantages of a public store. As Captain Hogan will have his proposals upon this subject to offer soon after his arrival in England, I will not trouble you farther than to observe that a public store for the sale of the various articles which are often wanted here, as well little luxurys

as necessarys, wou'd be felt by all ranks a very comfortable thing, and by a moderate or reasonable profit wou'd prevent great inconvenience, much imposition, and often considerable distress and poverty.

1796
30 April.

I have encourag'd his ideas by observing that, if his proposals were attended with moderation in point of profit, I thought it probable Government might listen to them.

I sincerely wish you long and perfect health, being with great esteem, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord,

30th April, 1796.

The indispensable necessity I find in every district of this colony of having a sufficient number of the best characters which can be selected to undertake the very fatiguing duties of a constable has rendered it at the same time as necessary that some reward or encouragement be held out to such people as may be employed in this office, as a stimulus to their exertions in preventing the robberies which have been, and still continue to be, so frequently committed amongst us. I have therefore inclosed for your Grace's information the rewards which I have promised to the inferior constables who patrol in the night and are constantly at call ; but the chief (and there should be a chief constable in every district, who should be a free man) I am at a loss what encouragement to hold out to. His duty becomes very considerable, having the whole direction of the inferior constables, and is such as scarcely to leave him one hour in the twenty-four to himself. I must therefore beg to leave him to your Grace's consideration.

Rewards to
constables.

It would be highly pleasing to me, my Lord, were it possible to do without any of those situations which occasion the smallest additional expence to the Government ; but I am satisfied that when your Grace reflects or considers the description of people we have here to manage you will not be surprised, or think the steps which I take to keep them in order unnecessary. In the district of the Hawkesbury, from which I have just arrived, and where everything wears a very promising aspect, as far as relates to the different farms, yet there the want of a Justice of the Peace to take immediate cognizance of all complaints, to direct punishments to be inflicted instantly on the offenders, and by his residence on the spot to keep order, is so very much wanted that I was under the necessity of taking the Judge-Advocate from his duty here to regulate complaints and disagreements relating to property, as well as to enquire into several robberies there. The number of officers in the civil department are now felt to be so

Necessity of
maintaining
order.

Administra-
tion of
justice at
the Hawkes-
bury. ✓

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 30 April. appointed Mr. D'Arcy Wentworth, who has officiated as an
 D'Arcy assistant in the hospital at Norfolk Island since the year 1790,
 Wentworth. to succeed, thinking his claim a very fair one.

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 sary. The commander of this ship having purchas'd a farm which
 was partly clear'd, situated on the banks of the river Hawkesbury,
 has left several people upon it from his own ship, and a few of the
 convicts he brought out he has taken off the hands of the public,
 Captain Hogan. and seems determin'd to make his farm productive. He has left
 some live stock, tools of every kind, and, in short, promises fair to
 [become] really a respectable farmer. It would have been well for
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 class of less characters, and very few of those sent out by permission of
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 of them, dispos'd to speculate in some way of no great advantage
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 wanted either the settlement at large or individuals. I have long
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It wou'd also be a means of introducing the manufactures of
 our own country in greater abundance into this settlement, and
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As Captain Hogan will have his proposals upon this subject to
 offer soon after his arrival in England, I will not trouble you
 farther than to observe that a public store for the sale of the
 Advantages of a public various articles which are often wanted here, as well little luxuries
 store.

particularly, in order that no untrue reports of their situation in this country may be circulated by their friends or connections without its being immediately detected. 1796
30 April.

An American ship named the Otter, commanded by Ebenezer Dorr, and belonging to Boston, having touched at this port to refresh his ship's company, and to have some small repairs done to the ship, being bound on a voyage to the north-west coast of America and China, after having been treated here with much civility, and assisted in his repairs as far as it was in our power to forward them, he, contrary to a very pointed article in the Port Orders, which he had received on his arrival, carried from hence several people, for whose embarkation he had not obtained any permission, and, amongst the number, Mr. Thomas Muir. Muir escapes in the Otter.

When the Sovereign, storeship, arrived here, I found Mr. Joseph Gerrald had been sent out in that ship. Gerrald. He was landed here in a very declining state of health, which rendered it necessary that he should reside in some quiet and retired situation. For this purpose application was made to me for permission for his purchasing a small house and garden (then to be sold) in the neighbourhood of Sydney, but so retired as suited the weakly state he was in. Permission was immediately granted for his residing in any place that might be convenient to his health. Here he saw his friends, and was visited by the surgeon, but he was soon pronounced to be in a rapid consumption, of which he died on the 16th day of March last.

Mr. William Skirving, a very decent, quiet, and industrious man, who had purchased a farm already cleared, and was indefatigable in his attentions to its improvement, just as the labour of the harvest was near over, was seized with a violent dysentery, of which he died on the 19th of the same month. There, therefore, remain of the five persons who were sent out under that particular sentence only two, Mr. Fyshe Palmer and Mr. Margarot, who live quiet and retired. Skirving. Palmer and Margarot.

Those who are now gone have been often heard to complain of the want of that attention from their friends in England which they had been led to expect, but of which they had not since their arrival here received any proofs whatever. They for some time after my arrival continued to live independent of the public store, and appeared to have little doubt, thro' the assistance of those friends, in whom they appeared to have much confidence, that they would be enabled to live without the aid of Government. They have, however, from the disappointment of expected supplies which they looked for by some of the several ships which had lately arrived here, been under the necessity of requesting that I would order them provision from the public store, which they now receive. Dis-appointed by their friends in England.

I have, &c.,

JNO. HUNTER.

✓ ✓ ✓ 1796 30 April. very few that we have not a proper person to place there, and to undertake the duty of a magistrate; and the bringing the offenders from thence to be examined either here or at Parramatta takes a number of people from their duty for several days, besides an escort of constables to attend them on the road.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

ENCOURAGEMENT TO CONSTABLES.

ENCOURAGEMENT to people acting as Constables at Sydney, Parramatta, Toongabbe, and the Hawkesbury.

Allowances
to
constables.

1st. Each to have an additional suit of cloathing annually, in order to their having at all times a more respectable appearance.

2nd. To have a pint of spirits served to each every Saturday.

3rd. To have the same ration served to them which is issued to the military and free people. N.B.—This does not relate to quantity, for that is the same to all descriptions of people, but in the particular articles, it being impossible to regulate that so as to avoid making some distinction; in such case the preference is given to the military and free people.

4th. Those who may have been sent to this country for seven years, and who shall officiate as a constable to the satisfaction of the magistrates of the district in which he acts for the space of three years from his appointment as such, shall be entitled to emancipation, and be at liberty to leave the settlement whenever he chooses.

5th. Those who may have been sent to this country for fourteen years, and who shall officiate as above for the space of seven years, shall be entitled to the same reward and advantages.

✓ 6th. Those who may have been transported for life, and who shall officiate as above for the space of ten years, shall be entitled to the above advantages and to conditional emancipation, i.e., freedom in this country and liberty to become settlers.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord,

30th April, 1796.

The Scotch
Martyrs.

✓ There having been certain persons sent to this colony whose names had, at the time I left England, been much mentioned in public, and whose seditious conduct in their native country had brought upon them that sentence which had occasioned their removal to this, and as some changes amongst them have reduced the original number who had been landed here, I judge it necessary that your Grace should be informed of those people

particularly, in order that no untrue reports of their situation in this country may be circulated by their friends or connections without its being immediately detected. 1796
30 April.

An American ship named the Otter, commanded by Ebenezer Dorr, and belonging to Boston, having touched at this port to refresh his ship's company, and to have some small repairs done to the ship, being bound on a voyage to the north-west coast of America and China, after having been treated here with much civility, and assisted in his repairs as far as it was in our power to forward them, he, contrary to a very pointed article in the Port Orders, which he had received on his arrival, carried from hence several people, for whose embarkation he had not obtained any permission, and, amongst the number, Mr. Thomas Muir. Muir escapes in the Otter.

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Those who are now gone have been often heard to complain of the want of that attention from their friends in England which they had been led to expect, but of which they had not since their arrival here received any proofs whatever. They for some time after my arrival continued to live independent of the public store, and appeared to have little doubt, thro' the assistance of those friends, in whom they appeared to have much confidence, that they would be enabled to live without the aid of Government. They have, however, from the disappointment of expected supplies which they looked for by some of the several ships which had lately arrived here, been under the necessity of requesting that I would order them provision from the public store, which they now receive. Disappointed by their friends in England.

I have, &c.,

JNO. HUNTER.

1796 uses in this extensive harbor many abuses have been practiced thro' their means, it is therefore hereby ordered that no person whatever do presume to build boats of any size or description without having obtained permission in writing, signed by the Governor for the time being, or such person as he shall authorize for that purpose. It is also ordered that all boats at this time in the possession of individuals be forthwith taken to the boatshed at Government wharf, where Mr. Paines,* the master boat-builder, will have orders to cut a number on their stern, which number the owner is to keep painted or marked with white. Of the boats thus numbered, the Provost-Marshal will keep a register agreeable to a form which will be given to him. All boats, after a convenient time having been allowed, which may be found without being numbered by Mr. Paines will be liable to seizure.

18 July.
Inproper
use of boats.

Boats to be
registered.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

19 July.

19th July, 1796.

Parole—Leith.

Countersign—Edinburgh.

Garden-
posts.

REPEATED complaints having been made to the Governor that, notwithstanding his Order of the 26th of March last† relative to the ringing and yokeing of all hogs which were suffered to run loose, much damage has been done to the different gardens about Sydney by that destructive animal, and that they are now running loose in considerable numbers, the Governor has determined to give this caution only : That if in two days after the publication of this Order hogs are still found without rings and yokes he will issue an Order authorizing all persons within whose fences they may be found to shoot them.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

21 July.

21st July, 1796.

Parole—Shrewsbury.

Countersign—Salisbury.

Labour of
the convicts.

Government
work
neglected.

It having been lately observed by the Governor that the gangs employed on the public service are seldom or never seen in the afternoon, on enquiring into the cause of this shameful neglect on the part of the superintendants he has understood that they take it upon themselves to task the working people in such manner as they think proper, and upon no other authority than their own will. This Order is therefore given out to inform the superintendants generally that they are on no account to presume to give taskwork to any party whose labour is the public property without the knowledge of the Governor, who has perceived that the work of Government is wholly neglected, and the time of the prisoners applied to the use of private individuals. It is hereby strictly directed that the public gangs do work the time pointed out in the Order of the 17th of November last, viz :—From daylight

* Vol. II, p. 214.

† Ante, p. 37.

until 8 o'clock, labour; from 8 o'clock until 9, rest; from 9 until half-past 11, labour; from half-past 11 until 1 o'clock, rest; and from thence until sunset, labour.* And if it is known that any superintendant whatever do take the liberty of applying the time designed to be employed for the public to any other use or purpose, the Governor is determin'd instantly to dismiss him from his office as a man who cannot be relied upon, and they may rest assured that he will never replace any man who has proved himself unworthy the trust reposed in him.

1796

21 July.

Hours of
labour.

JNO. HUNTER.

POLICE ORDER.

Norfolk Island, 24th July, 1796.

24 July.

WHEREAS the inconveniences, delays, and distress which happen for the want of a Court of Civil Judicature to decide such complaints of property as occur between the inhabitants having been represented to me by the Judge-Advocate, who in civil cases acts as a magistrate, until the expected Court of Civil Judicature may be established in this island:

A Civil
Court
required.

Having, therefore, taken into consideration the unavoidable distress and losses to the parties by being sent with their witness to Port Jackson to determine their disputes, and being desirous that justice may be impartially administered to all his Majesty's subjects under my charge, I have thought it necessary and advisable that a temporary institution should take place to recover debts and determine such matters as are not cognizable by a Justice of the Peace, or by the Court of Criminal Judicature, until his Excellency the Governor-in-Chief's pleasure is known, or until a Court of Civil Judicature shall be established in this island.

A temporary
institution.

In forming this substitute the mode of arbitration and awards as allowed of in that part of Great Britain called England is not only strictly legal and binding on the parties, but also highly conducive to the welfare of all descriptions of persons on this island.

In consequence of which I do, by virtue of his Majesty's Commission to me as his Lieut.-Governor, ordain, direct, and appoint that if any person consider themselves aggrieved by the decision of the sitting magistrate in any plea of land, debts, accounts, or other contracts, exceeding the value or amount of ten shillings and under one hundred pounds sterling, and not otherwise, that they may appeal to me, when I shall, on the parties submitting their dispute to the final decision of an arbitration and award, cause the parties themselves to elect, in the most impartial manner, from among that description of inhabitants that circumstances may require, two fit and proper persons to assist the Judge-Advocate as arbitrators and umpire in such cases.

A Court of
Arbitration.

* These hours of labour do not quite agree with those notified in Hunter's Order of the 9th October, 1795, which were as follows:—"From daylight until ten o'clock in the forenoon and from two o'clock in the afternoon until sunset."—Vol. ii, p. 323.

✓ ✓
 1796 I do therefore hereby require and direct the Judge-Advocate,
 24 July. and all others whom it may concern in the course of election, to
 conform their proceedings in like manner as arbitrations and final
 awards are allowed of in that part of Great Britain called England
 until the establishment of a Court of Civil Judicature takes place.
 PHILIP GIDLEY KING.

GOVERNMENT AND GENERAL ORDER.

25 July.

25th July, 1796.

Parole—Justice.

Countersign—Equity.

✓ ✓
 The Civil
 Court.

A COURT of Civil Judicature will be assembled on Wednesday
 next, the 27th instant, at ten o'clock in the forenoon, of which all
 persons having any business to do before the said Court are to take
 notice.
 JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

29 July.

29th July, 1796.

Parole—Abbey.

Countersign—Church.

A change of
 ration.

THERE not being any flour in the public stores except what is
 reserved for the use of his Majesty's ships Reliance and Supply,
 the Governor has directed the following ration to be issued weekly
 until further orders to the civil, military, and free people, viz. :—

Beef	..	...	...	...	...	7 lb., or
Pork	...	...	...	...	...	4 "
Wheat	...	...	...	...	...	12 "
Pease	...	...	...	...	...	3 pints
Sugar	...	...	...	...	...	6 oz.

The ration to convicts remains as before.

JNO. HUNTER.

UNDER SECRETARY LEWIS TO THE COMMISSIONERS FOR TRANSPORTS.

30 July.

Gentlemen,

War Office, 30th July, 1796.

A guard
 for convicts.

I am directed to acquaint you that the guard for the
 convicts intended to be transported in the two vessels destined for
 New South Wales will consist of thirty men in each vessel.

I am, &c.,

M. LEWIS.

GOVERNMENT AND GENERAL ORDER.

31 July.

31st July, 1796.

Parole—Francis.

Countersign—Norfolk.

✓ ✓
 Returns of
 stock.

A RETURN of live stock in the possession of officers, settlers, and
 others in the several districts is to be given in as soon as possible
 to the Judge-Advocate.

Those officers who have farms are at the same time to send in
 an account of their cleared cultivated ground in each.

JNO. HUNTER.

THE CRIMINAL COURT.

63

GOVERNMENT AND GENERAL ORDER.

1796

2nd August, 1796.

2 Aug.

Parole—Honesty.

Countersign—Truth.

A COURT of Criminal Judicature, consisting of the Judge-Advocate, ^{The Criminal Court.} three officers of his Majesty's ships, and three officers of the New South Wales Corps, is to assemble on Friday, the 5th instant, at ten of the clock in the forenoon, for the trial of such prisoners as may be brought before it.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

9th August, 1796.

9 Aug.

Parole—Melancholy.

Countersign—Example.

THE New South Wales Corps to be under arms at twelve o'clock to-morrow in the forenoon, for the purpose of attending the execution of the prisoner* under sentence of death. ^{An execution.}

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

10th August, 1796.

10 Aug.

Parole—Brunswick.

Countersign—Wales.

THE New South Wales Corps will parade at twelve o'clock on Friday next, the 12th instant, and fire three volleys in honor of the Prince of Wales's birthday. ^{Prince of Wales's birthday.}

JNO. HUNTER.

UNDER SECRETARY KING TO SURGEON WHITE.

Sir,

Whitehall, 10th August, 1796.

I am directed by the Duke of Portland to acquaint you that Governor Hunter having represented to him the great want of assistance in the surgeon's department in New South Wales, his Grace is under the necessity of requiring your immediate return to that settlement, either in the Ganges, which is now in the river, and will depart from Portsmouth for Port Jackson in the course of a week or ten days, or in the Britannia, transport, which is now getting ready to carry convicts from Ireland to New South Wales, and which it is expected will sail from Cork in three weeks from the date hereof. Should it not be in your power to go by either of these conveyances, his Grace will be obliged to fill up your appointment, as the public service requires it.†

I am, &c.,

J. KING.

* John Fenlow, convicted of murdering his servant, David Lane.—Collins, vol. i, p. 491.

† Collins (vol. i, p. 492) remarks that the day was duly distinguished, and that such ceremonies had never been neglected by the colonists of New South Wales.

‡ Surgeon White did not return to Sydney; and on the 16th August, 1796, a Commission was issued appointing William Balmain surgeon of the settlement.—Post, pp. 70, 203.

1796

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

10 Aug.

My Lord,

10th August, 1796.

Military
disturb-
ances.The case of
John
Baughan.

✓✓

Demands of
the soldiers.

Enclosures.

Having occasion in my letter, No. 9,* by the ship *Marquis Cornwallis*, to notice very particularly a paragraph in your Grace's letter of the 10th of June, 1795,† which related to the conduct of the military serving upon Norfolk Island in 1794, and which gave me occasion to mention similar outrage having been committed by the soldiers here since my arrival, I signified in that letter that I thought it might be improper in me to suppress or keep from your Grace's knowledge that outrage, and that it should be communicated at a future opportunity. I therefore enclose for your Grace's information a paper, No. 1‡, containing the particulars stated in as brief a manner as possible. I forbear, my Lord, to make any observations upon this violent and extraordinary conduct on the part of the soldiers. I transmit only a state of the facts, leaving your Grace wholly uninfluenced by anything which I might have occasion to remark upon so daring a violation of the peace and order of the settlement, as well as in defiance of those laws by which that peace is to be preserved. But as an alteration in the ration had at that very time been ordered, I think it necessary to observe that their temper at the moment was so violent that they positively refused to take it unless they were served all flour, instead of part flour and part corn, a desire which could not be complied with without manifest injustice to others, and also insisted upon being paid short-allowance money for the time they were on short ration, which they say Governor Phillip had promised them. This last demand I must request your Grace's instructions upon.

The paper No. 2§ is the Public Order which I gave out immediately after the outrage; No. 3|| is a copy of my letter to the commanding officer of the corps upon that occasion; and No. 4¶ is a paper which was intended to quiet the minds of the inhabitants of the settlement, who might naturally (if no steps were taken to punish the offenders in this case, nor any particular notice be taken of the offence committed by them) conceive themselves subject to such violence and oppression from the military whenever any soldier might think fit to take offence at them. These papers are all which I think it necessary to trouble your Grace with upon this occasion, as the facts will best speak for themselves, and prevent the possibility of a conjecture that any unfair representation could have been intended.

* Ante, p. 42.

† Vol. II, p. 304. The Duke of Portland attributed the disorderly conduct of the soldiers at Norfolk Island to the intimacy which had been allowed to spring up between them and the convicts.

‡ Post, p. 66. § Ante, pp. 15, 16. || Ante, p. 17. ¶ Ante, pp. 17, 18.

I should feel myself deficient in that duty which I owe to his Majesty's service in this part of the world were I not to take a liberty which I have no reason to believe your Grace will be offended at—I mean, in remarking that the manner in which this corps has, since employed upon this service, been recruited does in a great measure weaken the effect or service which we would expect to derive from the assistance of the military. Soldiers from the Savoy,* and other characters who have been considered as disgraceful to every other regiment in his Majesty's service, have been thought fit and proper recruits for the New South Wales Corps, which, in my humble opinion, my Lord, should have been composed of the very best and most orderly dispositions. They are sent here to guard and to keep in obedience to the laws, when force may be requisite, a set of the worst, the most atrocious characters that ever disgraced human nature; and yet we find amongst those safeguards men capable of corrupting the heart of the best disposed, and often superior in every species of infamy to the most expert in wickedness amongst the convicts. Our stores, provisions, and granaries must be intrusted to the care of those men: what security can we have in the hands of such people? None, my Lord. Your Grace will see the impropriety of such recruits being sent to this country, and mixed with a corps who have the care of our most valuable concerns. Not to detain your Grace, I will beg permission to observe that a corps of military to be permanently established for the service of this colony, to which the dregs and refuse of our native country are directed by its laws to be sent as a punishment, cannot be attended with that advantage which may have been expected from it. This, I confess, my Lord, to be my opinion, and for this reason, that they will make connections with infamous characters here, whatever attention may be paid by their officers to prevent it; by this means they will in time be corrupted and rendered unfit people for the trust which we must repose in them. It might probably be thought expensive to relieve them, as other garrisons, once in three, four, or five years; but I cannot help believing, my Lord, that the service would be much benefited by such a measure; and two forty-four-gun ships, armed *en flute*, sailing at a proper season, would compleat the relief, and return in from twelve to fourteen months, frequently less. The expence attending this measure will probably be an objection; but, my Lord, although the saving to be made by it may appear too remote to merit immediate notice, yet I am convinced it would ultimately prove a saving, and no inconsiderable one.

The officer who will have the honor of delivering this dispatch (Captain David Collins, of the Marine Corps), having served here

* The Savoy was a military prison, situated near the site where Waterloo Bridge now spans the Thames.—History of New South Wales, vol. ii, pp. 94, 95 (note).

1796

10 Aug.

Composition
of the New
South Wales
Corps.Recruits
from a
military
prison.Some of
them worse
than the
convicts.“Dregs and
refuse.”An
occasional
relief
advocated.

✓ 1796 as Judge-Advocate to this colony, is a gentleman particularly
 10 Aug. qualified to afford your Grace every information which you can
 Departure of desire relative to this country, he having continued in it from its
 Judge- Advocate first establishment up to this period. His leave to return to
 Collins. England, which he had obtained some considerable time past, he
 has not had it in his power to avail himself of, because of the
 consequence which each successive commanding officer considered
 him of to these settlements. By this means he has been detained
 here, and has thereby lost his rank in the corps of which he was
 an old officer, and which now must have been very respectable.
 His value to But I earnestly hope that his Majesty will, in consideration of
 the Govern- his services here, restore him to the situation he would have held,
 ment. could he have been permitted to have left this country sooner.
 ✓ ✓ The colony now, my Lord, will suffer exceedingly in the depart-
 ment of the law during his absence. I hope, therefore, if this
 gentleman does not return, a circumstance which will give me
 much concern, that the situation of the Judge-Advocate may be
 made worthy the acceptance of some respectable professional man ;
 for we begin to have so much business to attend to in this depart-
 ✓ ✓ ment that it very much increases the duties of the Governor, as
 well as of every other magistrate. I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

STATEMENT OF THE CASE OF JOHN BAUGHAN.

Baughan's case. JOHN BAUGHAN, who officiates as foreman of the carpenters work-
 ing at Sydney, and a private soldier of the New South Wales
 Corps, of the same profession, had some dispute when formerly
 working together on an occasion where Baughan had the direction.
 This dispute, it appeared, had not subsided in the mind of the
 soldier, and probably was not wholly forgot by the other. It,
 however, was more conspicuous in the soldier, from the following
 circumstance :—One day when sentinel over a storehouse, know-
 ing that Baughan was at work in a house some distance from
 his post, he set his arms down against the wall of the store, and
 seeing a man whom he knew standing on the outside of the building
 in which Baughan was at work, entered into a conversation with
 him, of which Baughan was the subject, and in which much abuse
 was bestowed, which it was meant he, Baughan, should hear.
 Baughan went out at the back door unperceived, and seeing the
 soldier without his arms, went to his post, where he found the
 musquet, which he took up and carried to the guard-house, and
 delivered to the serjeant of the guard. The soldier was, of course,
 taken notice of and relieved, being without his arms. The next
 day, 5th February, at half-past nine o'clock in the forenoon, the
 whole of the corps off duty at this place assembled, and in the
 most public and tumultuous manner proceeded to the dwelling of

A sentinel leaves his post

and his arms.

John Baughan, broke open his gates, doors, and windows, entered his house, chopped the corner-posts of it, broke his bedsteads and bedding, chairs, window-frames, drawers, chests, and, in short, completely demolished everything within his possession to a considerable amount, for the man had, by great labour and industry, built himself a neat house, and had it well furnished. 1796
10 Aug. Violence of his comrades.

Upon their first approach, having had a few minutes' notice, he armed himself with a loaded gun and defended himself by threats for some time, but their numbers were so many that they surrounded his piling which inclosed the house, which some tore down and entered on the opposite side to that which he endeavoured to defend, came behind him, secured and threw him down, with his face to the ground, whilst one held an axe over his neck, and swore if he offered to stir he would chop the head from his body. During the time he remained in this situation they completed the ruin of his whole property, to the very great terror of the man's wife, after which they went off cheering, as if something meritorious had been effected, and marched in a body cross the parade before their commanding officer's house. An unequal contest.

After so daring an attack, in the open day, upon the dwelling-house of an inhabitant, and in direct defiance of all law, civil or military, they could only be considered as in a state of mutiny. I immediately issued in Public Orders the paper No. 2.* ✓ ✓

THOMAS PATRICKSON TO UNDER SECRETARY KING.

Sir, St. Albans-street, Pall Mall, 11th August, 1796. 11 Aug.

I beg leave to state to you that the ship Ganges, hired to carry convicts to New South Wales, has a space unoccupied, and intirely seperated from the men, that would accommodate sixty female convicts; and as Mr. Shelton informs me there are a number of women that could be immediat'ly sent if an Order of Council could be procured, I have to request that they may be ordered in the above-mentioned vessel, and any charge of demurrage in consequence of the delay occasioned thereby will be charged to Government. I further beg leave to state that, though no agreement was positively entered into for a certain number, yet it was clearly understood, as it has always been the case, that the whole space in the ship proper for the reception of convicts would be occupied, which would have amounted to 300, exclusive of the guard; but I am given to understand that there are only 200 ordered at present. The transport Ganges.

I have, &c.,

THOS. PATRICKSON.

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

Sir, Parramatta, 15th August, 1796. 15 Aug.

I have no doubt but your Excellency will instantly recollect that soon after your arrival from England I declared it to

* Ante, pp. 13, 16.

1796

15 Aug.

Maintenance of
farm
labourers.

you as my opinion that the officers and persons holding farms ought, in return for the very liberal indulgencies granted them, to maintain their servants in bread, by which means Government would be relieved from the expence of purchasing grain for the greater part of the inhabitants of this settlement.

Macarthur
offers to
supply his
convict
labourers
with bread.

Since I resigned my civil appointment I have had both time and leizure to consider the subject more attentively, yet I still retain the same opinion ; and, indeed, I am more fully persuaded of its propriety. I therefore feel that, in gratitude to Government for their liberality, I cannot do less than to declare myself both ready and willing to feed with bread, at my own expence, the servants that are now allowed me ; and shou'd your Excellency consider it advantageous to Government to dispose of any number of men (not exceeding one hundred) on the same conditions, I will very cheerfully receive them. All I shall require from the public stores will be tools, cloaths, nails, ironwork for buildings, and the usual ration of salt meat.

Requires
eighteen
months'
assistance.

In twelve months, I am of opinion, I can either supply myself with all those articles, or, if I draw them from Government, be able to give grain in lieu—valuing both what I receive and what I return at the English market prices. I will not, however, positively pledge myself to do all this without expence to Government within one year ; but if eighteen months be not considered too long a time to allow, I will unhesitatingly undertake to do it.

I trust I am too well known to your Excellency to have this proposal imputed to inconsideration or levity. Assure yourself, sir, that it is the result of cool deliberation, founded on reason and experience.

Macarthur's
example.

If my example be followed (as I know it can be by every industrious farmer) Government will be instantly relieved from the expence of purchasing grain for the whole of the labouring part of the colony ; and, after the expiration of eighteen months, the grain returned to the stores in exchange for tools, cloaths, &c., will be more than sufficient to answer all the demands of the settlement for bread for its present numbers.

His farm

As a proof that I am not merely a speculative farmer, I beg leave to point out to your Excellency that I have sixty acres sown with wheat, sixty-six acres preparing for Indian corn, five acres for potatoes, and ten acres in gardens and vineyards.

and stock.

My stock consists of fourteen cows, five oxen, eight mares, two hundred and ninety-eight sheep, one hundred and sixty-two goats, fifty breeding-sows, and upwards of one hundred growing pigs.*

I have, &c.,

JOHN MCARTHUR.

* Hunter's answer will be found on p. 70, post.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1796

My Lord, Sydney, New South Wales, 15th August, 1796.

15 Aug.

The *Britannia*, storeship, from Bengal, arrived here on the 11th of May, with 957 tierces of salt provisions and a small quantity of rice. This ship had been chartered by Captain William Paterson, of the New South Wales Corps, who succeeded to the command here, after the departure of Lieut.-Governor Grose, and for the purpose of procuring from the East Indies as much salt meat for the use of the settlement as her commander might have an opportunity of providing, the store of that article having been entirely expended.

The *Britannia*.

By this ship I received two letters—one from the Governor-General in Council, the other from the Military Department of Bengal—and of which the inclosed are copies.* These letters were delivered to me by an officer sent hither for the management of the service which is the subject of them. I beg leave to observe to your Grace that the reduced state of our strength in the colony at this time is such that much of our cleared ground will this year lay unwrought; and the idea of an officer having arrived for the purpose of recruiting for the army in the East Indies having gone forth amongst the convicts, as well as free people, I soon found that many of the settlers were determined to quit their farms and enlist for that service. Such, my Lord, is the restless and idle disposition of many of those people, who are in this country really comfortably settled, and might, were they inclined to industry, live in happiness and provide for a family; but the prospect of a change, and the allurements which are generally upon such occasions held out to captivate the ignorant, would have induced many to quit the colony, and leave their families a burthen upon the public. Finding this the disposition, and foreseeing the ill consequences which would have ensued to the settlement under its present circumstances, I judged it necessary to refuse my sanction to the service of recruiting of troops from this colony until I could receive his Majesty's commands on that subject. To that effect I wrote a short letter to Sir John Shore, by a ship at that time about departing from hence for Bengal. I must, at the same time, my Lord, take the liberty of observing that upon some future occasion it might perhaps answer a good purpose to allow such as have served their term out in this country, and who are of an idle and unsettled disposition, to enlist for the army of the East Indies, in preference to their returning to their old habits in their own. Many of them would probably make better soldiers than farmers, and it might perhaps answer to the Company the expence of sending a ship from Calcutta once in two years for such purpose. I shall be anxious to know, my Lord, whether my determination in this instance may have met your Grace's approbation.†

Recruiting for the Indian army.

Restless disposition of certain settlers.

Disposal of bad characters.

I have, &c., JNO. HUNTER.

* Ante, p. 2 † Post, p. 301.

1796

SURGEON BALMAIN'S COMMISSION.

16 Aug.

George R.

Surgeon
Balmain's
Commission.

GEORGE the Third, &c. To our trusty and well-beloved William Balmain, gent, greeting : We do, by these presents, constitute and appoint you to be surgeon to the settlement within our territory called New South Wales. You are, therefore, carefully and diligently to discharge the duty of surgeon by doing and performing all and all manner of things thereunto belonging, and you are to observe and follow such orders and directions from time to time as you shall receive from our Governor of the said territory for the time being, or any other your superior officer, according to the rules and discipline of war.

Given at our Court at St. James's, the 16th day of August, 1796, in the thirty-sixth year of our reign.

By his Majesty's command,

PORTLAND.

GOVERNMENT AND GENERAL ORDER.

18 Aug.

18th August, 1796.

Parole—Lynn.

Countersign—Norfolk.

A guard for
Norfolk
Island.

THE commanding officer of the New South Wales Corps will direct a captain, 3 subalterns, 2 serjeants, 2 drummers, and 18 privates to be in readiness to embark on the 1st of September for Norfolk Island. They will proceed thither in one of his Majesty's ships.

JNO. HUNTER.

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

Sir,

Sydney, 18th August, 1796.

Reducing
expenses.

I received yours of the 15th, on the subject of which I have to observe that, much as I have at heart the lessening the expense of this colony to Government, I yet fear that I have at present too many difficulties to contend with to be able very soon to attain, even in a small degree, an object so much to be desired.

Government
aid to
officers.

The liberality of Government to the different officers who have employed a part of their time in farming. I hope they are all sensible of, and I shall no doubt look for and expect that they will use their utmost endeavours for exonerating Government, as early as possible, of the expence of maintaining their servants, if not wholly, at least in part. I have not found any who have considered their progress in farming to be such as to enable them yet to make a similar offer to that which you make ; they probably have been rather less fortunate, or have not had the same judgment in the management of such concerns.

Accepts
Macarthur's
offer in part.

You may be assured I shall never refuse any offer which may appear to me calculated to reduce the expences of Government, but

at present I find the state of the colony to be such, with respect to labourers, as well as to tools, nails, iron, and, in short, every other kind of store, as to put it out of my power to avail myself of any part of the offer you make, except that of your furnishing bread for your own servants, an example which I hope may serve to stimulate others to equal exertions. I am, &c.,

1796

18 Aug.

JOHN HUNTER.

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

Sir, Parramatta, 19th August, 1796. 10 Aug.

I had the honour to receive your letter of the 18th instant this morning, and I shall in consequence of it direct my overseer to desist from drawing grain from the stores for the ten servants that are allowed me for the purposes of agriculture. Macarthur's reply.

I beg to assure your Excellency that you have highly gratified me by your opinion. That my example may stimulate others to exert themselves in promoting the general interests of the settlement, and as a farther proof that no private consideration can influence me, when the object to be attained is of such importance, I will (if I obtain your permission) pay the English price for all the meat my servants draw from the public stores. Offers to pay for meat.

I would indeed now offer to supply them with meat from my own stock, did I consider it likely to conduce to the public interest. But as I then should be obliged to destroy my hogs when only half-grown, you will readily imagine how disadvantageous it would be.

Since I stated to your Excellency the number of my live stock I have had a very astonishing increase, and as I have still reason to expect the same success, it is absolutely necessary for me to erect a variety of additional buildings, which I shall be greatly distressed to do unless your Excellency can favour me with about ten thousand nails.* Increase in live stock.

I am fully satisfied that you will ever very readily contribute all the assistance in your power to those whose industry and attention appears to merit it. And in this presumption I beg leave to point out that my servants are much in want of cloathing, which want I have no means to relieve unless I can be indulged from the public stores. Wants clothing for servants.

I have, &c.,

JOHN MACARTHUR.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord, 20th August, 1796. 20 Aug.

With this your Grace will receive a chart which I have constructed wholly for the purpose of shewing more clearly than any written description possibly can the particular situation of our principal cultivation in this colony. I do not mean, my Lord, to mark every little farm, nor to point out the dimensions of the A chart of the colony.

* Hunter's reply a week later will be found on p. 82, post.

1796
20 Aug.
Hunter's
chart.

cultivation generally; it is only my wish that your Grace should at one view comprehend how the different districts are situated with respect to each other, not only in direction, but in point of distance nearly. As this chart is entirely a work of my own, and not intended as an official representation, I hope it will atone for the liberty I take in writing your Grace a private letter. My chief design is to give your Grace a more correct general idea of this colony than could be given by any other means.*

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO UNDER SECRETARY KING.†

My Dear Sir, Sydney, N. S. Wales, 20th Aug., 1796.

✓ ✓
Departure of
Judge-
Advocate
Collins.

This will be handed to you by Capt. David Collins, of the Marine Corps, who has held the appointment of Judge-Advocate to this colony since its original establishment, and in whose departure from hence this settlement loses a most valuable and excellent officer. You cannot conceive, sir, how very much this settlement will suffer in the department of the law by this gentleman's return home, a department in which we have begun to have much business to transact, a circumstance which very much increases the duty of the Governor, and must in time render his situation truly irksome if the office of Judge-Advocate to the colony is not made a situation worthy the acceptance of some respectable professional man, on whose knowledge and ability he can with confidence rely

✓ ✓
Importance
of the office.

Commissary
Palmer.

As the Commissary (Mr. Palmer) will avail himself of the leave of absence which I brought out for him, and will return to England by the same conveyance of which Capt. Collins will take the advantage, I beg to refer you most particularly to those two gentlemen, who have not been absent from hence since the establishment of the colony; they are capable of giving you information on every point in which you can desire to gain it relative to this country, and I can venture to say that I believe they will not deceive you. Mr. Palmer will require but a short time in England, and means to return with his family. I wish I could say that I also expected the return of the same Judge-Advocate. He has certainly sacrificed much through his being so useful and necessary here. He has been refused permission to return, agreeable to his leave long since received from home, because it was considered the colony would suffer by his absence; he has thereby lost his rank in the corps of which he is an old officer, but it will probably be in the power of his Majesty's minister to give it him, and I can say that he well deserves such attention from his public services here.

✓ ✓

Collins's
loss of rank.

* The chart has been reduced and the lettering filled in more legibly than in the original, but the outlines are an exact reproduction in scale of Hunter's original chart, which was in size 2 ft. 2 ins. by 1 ft. 7 ins. It is evident that Collins copied from this chart the plan of the Colony published as frontispiece to vol. i. of his "Account."

† A private letter.





I appoint a gentleman (Mr. James Williamson) whom I brought from England with me to act in the absence of Mr. Palmer. He is well qualified to fill that situation in the Commissary's absence, being particularly correct in his knowledge of keeping books and accounts, and very active and diligent. As we are exceedingly distressed since the extension of our settlement for more assistance in the Commissary department, I took the liberty of recommending to you Mr. Williamson as a Deputy Commissary; we are much in want of one to attend to the concerns of that department at Parramatta, Toongabbe, and the Hawkesbury.

1796

20 Aug

Palmer's
locum
tenens.

Give me leave to assure you, sir, that those who have been out of this country for three or four years know no more of it now than if they had scarcely ever seen it; you will know much more from public correspondence. Their opinions, therefore, are by no means what ought to influence the mind of Government in what may relate to this country in its present state. For some years after this settlement was establish'd it was an easy task for the commander-in-chief to visit every part of it in the course of a few hours, but it is widely different now; he cannot, were he in continual motion, do it now in as many days. We extend more than 40 miles in one direction, exclusive of a chain of farms for 20 miles along the banks of the Hawkesbury, and many on the different branches of this extensive harbour. In short, sir, no one man, whatever might be his strength and activity, could attend the whole of this colony as often as may be requisite without some respectable assistant or responsible person to look over the distant districts. I am so fully determin'd to do all in my power that I will have no private concern of any kind to take up my attention. I have not, nor will I have, any farm on my own account, as other officers have. It shall not be in the power of any one to say that the time which ought to have been devoted to the service of the public had been applied to private advantage, or that in recommending the assistance which I have done to the civil and military officers, agreeable to the plan of L-Gov'r Grose, I had myself in view.

Reports of
absentees.

Extension of
the
settlement.

✓

I am concern'd to assure you, sir, that in many of those people recommended to Govern't at home to fill little offices here much imposition has been practis'd. It would be far less expensive to the public if, when any particular work is wanted, the Governor for the time being were allow'd to offer some little pecuniary reward to some of the ingenious people who are sometimes to be found here, whether convicts or free; such particular work might in this way be accomplish'd without the burthen of a salary. The millwright and miller, one at 100 gns. and the other at 50 gns. a year, are sad impositions, and I have no opportunity of sending them home for want of a ship going from hence immediately to England in the service of Government. Convicts who have a

Useless
officers.

1796

20 Aug.

Deserving
convicts.An
incorrigible
drunkard.

profession which might be highly serviceable in any case of emergency would not be so cautious to conceal their ability if it was such as might be applied to the superintending any very necessary work, and be allow'd a little reward for their ability and exertion; we should in this way save some of those ill-bestow'd salaries. Mr. Leeds is as unfortunate an imposition as any which could be sent here; he is the most incorrigible drunkard I ever beheld, and must be sent home, for he is of no sort of use, whilst we suffer much in the surgeon's department. He has just written to me that his health declines so rapidly that he thinks his life in danger. I have therefore determined to send him back; and as he has not done any duty for a considerable time, I have appointed a very deserving man, Mr. D'Arcy Wentworth, to succeed him. His claim is a fair one, having been assistant at the hospital on Norfolk Island ever since the year 1790.

George
Barrington

I will whilst I am writing mention one man to you, who, to speak my sentiments of him, I must say appears to me to be one of the most zealous on public duty, and one of the most exemplary in private life of any within the colony—Mr. Geo. Barrington, I mean. Well has he since in this country deserv'd for his services some extraordinary encouragement, but we have none to give. I wish, if he continues after his time is expir'd, I could do something which might induce him to stay (it is near expir'd), but he has not hinted any intention of quitting the country. I am, however, of opinion he will, for he cannot obtain as much here as will purchase cloaths for his back. He has constantly done the duty of chief constable at Parramatta, and in that office has been indefatigable in keeping the public peace and in guarding private property. It is much to be regretted that a man of this description, because once having offended the laws of his country, should be ever afterwards consider'd as unworthy its favour.

✓ chief
constable at
Parramatta.✓ ✓ Administration
of
justice at
Norfolk
Island.

I have long ago sent Mr. Hibbins the Judge-Advocate of Norfolk Island to his station, and having since receiv'd the Patent authorising the convening a Court of Criminal Judicature there, I have also forwarded that, so that there is now full power on that island for trying criminal offences, and I hope everything in that department may turn out well. You will receive letters from Mr. Hibbins by the ship Marquis Cornwallis, by which I forwarded them. He seems much dispos'd to indulge you frequently with long letters. I hope you may find them such as to merit a careful perusal.

Improper
appoint-
ments.

Permit me, Mr. King, to repeat and to assure you that I see with concern how very frequently Government is impos'd on in many recommended for appointments in this country, where we ought to have people in the different offices of the most exemplary conduct. You will not, I hope, suppose that I allude to any particular person. I speak chiefly of inferior appointments. You

can have no idea of the mischief it leads to, and the distress which it will ever occasion to those who may have the principal direction, who, considering the class or description of people he has to manage, ought to be ably assisted and supported; if he is not, it must oblige him to send home many matters for decision which might and ought to be settled here, and thereby avoid giving that trouble to his Majesty's minister which must otherwise be the consequence.

1796

20 Aug.

Were I to enter as fully in my public letters on the difficulties I have had since my arrival, and still continue to have, to contend with as I might do, it might be thought that I complain'd more than I shou'd. If I do complain, be assur'd, sir, that it is not without cause. I have had much vexation at finding some of the public concerns not exactly in the state I hop'd and wish'd they shou'd have been. Extensive cultivation and good crops, speaking generally, but not a barn, granary, or storehouse wherein to preserve those crops even thought of yet. No mechanics in the colony to erect them; most of the convicts out of their time, and discontented at being hinder'd a single day from providing for themselves; in short, I am apprehensive that great part of our bountifull harvest may be lost. Our boats gone to ruin and decay; hutts or houses, formerly the property of Government, leas'd away, and continual applications making to me to furnish others for those who are intitled to them. But I will not fatigue you. I only hint those few circumstances to satisfy you that there does exist great ground and cause for vexation. I shall, however, persevere in my endeavours to lead everything into the channel thro' which it shou'd pass, and to bring into some kind of order that mass of confusion which at present surrounds me.

Hunter's difficulties.

Absence of public buildings.

Having a considerable number of distress'd invalids in the colony who are a deadweight upon us, I have thought fit to charter the Britannia, storeship, to proceed direct for England. Shall therefore avail myself of that conveyance for sending away all those whose contract or agreement with Government is expir'd, and thereby get rid of some expence which might otherwise continue for we know not what time.

Invalids.

I intend, if possible, to send a cage of birds for you by this ship, and I have to request that you will divide what may survive with Sir Charles Middleton,* to whom I have promis'd some. I am, &c.,

Australian birds.

JNO. HUNTER.

I have had another cage made and sent to Sr. Chas. Middleton, addressed to himself, so that you will have no trouble.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord, Sydney, New South Wales, 20th August, 1796.

The Colonial schooner Francis having lately returned from Norfolk Island, whither I had sent her for any despatches which

* Comptroller of the Navy.

1796

20 Aug.

Lieutenant-
Governor
King's
health.King
leaving in
the
Britannia.

✓✓✓

Number of
officers
inadequate.King's
successor.

Lieut't-Gov'r King might have for England, I am concerned to say the health of the Lieut't-Governor appears to be in so very declining a state that I could not, consistent with the common feelings of humanity, resist his wish of obtaining my permission to quit the island, by any opportunity which might offer a prospect of his reaching England, before it might be too late to hope relief from such change. Your Grace will not therefore disapprove my having given him my consent, as I have chartered the ship Britannia for the purpose of relieving the unhappy situation of a number of distressed objects who have been invalided here from the military, as well as for exonerating the colony of a number of useless people whose contracts with Government have terminated. I shall order that ship to call at Norfolk Island, and embark the Lieut.-Governor and his family. I shall direct that such copy of the Lieut't-Governor's instructions as may be necessary for the guidance of the officer who may succeed to the command in the management of the internal concerns of the island be left with him; and in order to there being a sufficient number of members to compose the Criminal Court, I shall direct an additional officer be sent thither; but I must beg to mention to your Grace that during the time the relief of the officers on the Norfolk Island duty is taking place this part of the settlement (head-quarters) will have of subalterns only one left. I mention this, my Lord, to show how very deficient we are in officers, and how much the number now necessary upon Norfolk Island embarrasses the duty to be done here.

I must beg permission, my Lord, to make one observation more relative to Norfolk Island. Should it so happen that Lieut-Governor King may not recover his health so fast as to be capable of again returning to his command in this part of the world, I hope in that case that a successor may be appointed as early as it may be thought proper. I express this hope, my Lord, from an opinion that the changing the commanding officer as often as the relief of the military party doing duty there becomes necessary may very much derange the general regulations hitherto established on the island; but this I submit to your Grace's consideration.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

20th August, 1796.

My Lord,

State of the
colony.

The different papers which I forward to your Grace by this conveyance will, I hope, serve to shew, in as clear a manner as possible, the real state of this colony. I have endeavoured to compress, into as little room as it could be done, the necessary

information, in order that your Grace might not have much trouble in acquiring that knowledge of our circumstances which you might desire ; but should it hereafter be thought that a more minute manner of detailing the different particulars would be more satisfactory, it will only require that I should receive your Grace's commands for that purpose. Everything which may relate to the expences of the settlement I am aware cannot be too clearly accounted for, and in that particular I am hopeful we have not been deficient.

1796

20 Aug

In a former letter* I had occasion to mention the necessity I found myself under, in consequence of the scarcity of artificers, and the want of public buildings indispensably requisite for the preservation of our crops and other essential purposes, of hiring all the soldiers and other free people I could find ; by this step we shall have, though unavoidably incurred, some expence. I must, however, continue to employ all I can meet with until I get those works completed, which we cannot possibly do without, amongst which are two windmills. All other buildings which may be dispensed with for some time longer I shall leave unattempted until the strength of the colony may enable us to get forward without increasing the public expences. That your Grace may be enabled to form some judgment of our wants in this particular, I transmit a list of public buildings at this time exceedingly wanted, and the reasons for such wants.†

Scarcity of artificers.

In this place I shall only remark to your Grace, relative to the colony in general, that had we been fortunate in the choice of those who have been permitted to settle, two-thirds of that number would now have been perfectly independant ; but concerned am I to say, my Lord, that we have been particularly unlucky in our selection. In order to the gaining that information or knowledge of the characters who compose our settlers which it is necessary I should possess, I very lately directed two of the civil officers of the settlement, in their character as magistrates, to pay a sudden and unexpected visit to all the different districts, to examine the farms and to make such enquiries as I had desired. By this step I am enabled to lay before your Grace the inclosed paper,‡ which is the result of those enquiries, and serves to shew the idleness or industry of the settlers generally in each district.

Unsuitable settlers.

A tour of inspection.

It may not be improper here to remark that those who have been sent out by Government as free settlers have generally turned out very ill-qualified for farmers in this country. It appears to be a life for which very few of them are adapted, either from ability or inclination, because it requires much labour and very considerable diligence. They come here too with expectations which cannot be gratified, and, as they inform me, with a promise from Government which we have not the power of fulfilling ; nor are they satisfied with that assistance which we are able to afford them.

Free settlers. ✓

Sent out by Government.

* Ante, p. 30.

† Enclosure No. 1.

‡ Enclosure No. 2.

- ✓ 1796 They have more than once signified to me that they understood
20 Aug. Government was particularly desirous of having a number of respectable settlers sent out, and with that view, and the flattering promises made them, they had offered themselves. I wish I could with truth say that we had many who came within the respectable description they have alluded to; it would have been highly advantageous to the colony, for with common industry and attention I hesitate not to say that our land will yield well. Our live stock thrive well, and increase fast; but that is at present chiefly in the hands of Government, and of the officers, civil and military, fortunately so, because they know its value, and are careful to preserve it. The settlers have more than once killed what they received from Government—every reduction of the ration of animal food occasioned the destruction of what might then have been in their possession; it is therefore to be wished that we may not, if possible, be again reduced low in the article of salt provision, as most of the settlers have again began to rear pigs and poultry.
- Live stock.
- Spirituous liquors. Spirituous liquors, having found their way into the colony in considerable quantities, occasion much idleness amongst many of the settlers; but I must confess have nevertheless some advantages. Much work will be done by labourers, artificers, and others for a small reward in this article, and (without any injury to health) which money could not purchase. I have taken every step in my power to prevent the smuggling of spirits from ships to the shore; but ineffectually, notwithstanding the having a guard on board. I have, however, to put a stop to the great inconvenience of having every little hut a settling-house for the retailing spirits, issued very strict orders* against it, and altho' the destruction of the house of the offender was a part of the punishment, and did actually take place in some instances, it did not effectually prevent it. I have now found it necessary to grant in each district a certain number of licenses for retailing spirits under strict regulations, which appear to answer the purpose well, prevent much intoxication, and seem to give general satisfaction.
- Smuggling.
- Retailing spirits. To prevent the importation of spirits entirely, my Lord, is next to an impossibility, unless I had more assistance to depend on; nor do I think it necessary for the reasons above stated that it should be wholly prohibited; but I am of opinion that it may soon be found necessary to lay a duty upon its importation, a regulation which might serve to defray some part of the expense of the civil establishment of the colony.
- A duty on spirits. I have already observed that much labour is often obtained by a small gratification in the article of spirits, and in some other articles, which, altho' commonly considered as luxuries, are now from long habit become necessities. Every labouring person,

* Ante, pp. 10, 36, 52

whether working for the public or for private individuals, is regulated in his hours of labour by the working-hours established by Government, and each by this regulation has a certain proportion of time to himself, during which he can let himself out to hire. By this mode of disposing of his extra hours he purchases the enjoyment of those little luxuries which he has in the course of his life been now and then in the habit of receiving. This is the manner, my Lord, in which officers and others who could afford to be at an extra expence have got so forward with their farms and have preserved their live stock. It is not by an extra allowance of the common slop cloathing or the provision issued from the public store that this labour is to be obtained, for those men, as well as women, who have been some time here, and particularly those whose term is expired, and who are disposed to work, aspire to a better kind of dress, and are desirous of indulging with their tea and sugar, as well as the gratification of a little tobacco and spirits at times, which whilst thus applied with moderation is certainly not ill-employed. In the hire of artificers also when wanted on the public account much expence would be saved, as well as more satisfaction given to the workman, were we in possession of many of those little luxuries so much sought after.

1796

20 Aug.

Working-hours.

Purchasing luxuries.

Employment of convicts.

You will pardon me, my Lord, for entering upon those little considerations; but it proceeds from an opinion that your Grace should receive every information that can enable you to form the most correct judgment of everything which is in any way connected with the good or welfare of a settlement so immediately under your Grace's direction.

An explanation.

I cannot close this without saying that the erection of the public buildings herein mentioned is so arduous a work, as well as so indispensably necessary, that I have been obliged to make another reduction of two men from each officer's farm, and one from others who have hitherto been allowed some assistance, exclusive of that mentioned in my letter herewith forwarded. All the convicts now on the hands of the public are now employed in those necessary works, and not in agriculture, so that we must depend on the farms of the officers, settlers, and others who employ themselves in that way; and this I feel no immediate concern at, because I can depend on their industry.

Servants taken from officers and others.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

List of Public Buildings much wanted, August, 1796.

*At Sydney.**Reasons for such wants.*

A large granary for the reception of wheat and maize.

None having yet been built.

1796	List of Public Buildings much wanted, August, 1796— <i>continued.</i>	
— Aug.	<i>At Sydney.</i>	<i>Reasons for such wants.</i>
Public buildings required at Sydney.	One large and strong storehouse for the security of our salt provisions.	Those formerly built being too small, and frequent robberies have convinced us that they are too slight.
	A church.	None having yet been built, except a temporary thatch'd house erected by the clergyman.
	A court-house.	No building yet appropriated for the assembling a Court in.
	A house for the Judge-Advocate.	The present too small and inconvenient for his business.
	A house for the Lieutenant-Governor.	That already built having been given in lease for fourteen years by the late Lieutenant-Governor to the officer who succeeded to the command of the military.
	Houses for the assistant surgeons and Deputy Commissary.	Those formerly built entirely decay'd.
	A windmill.	None yet erected.
	Two additional barracks.	Not sufficient room in those already built.
	A strong prison.	The present too small for our numbers, and too slight to secure prisoners such as we have to manage.
	A better and larger hospital.	The present decaying fast.
	A public school for the care and education of children.	Much wanted to save them from certain ruin.
<i>At Parramatta.</i>	<i>At Parramatta.</i>	
	A large granary for the reception of wheat.	Not yet built ; foundation of one now laying.
	A church.	Having no place for divine service but any that which may happen to be empty.
	A windmill or two.	Two will be necessary here, because our largest farms are in this district.
	A strong prison.	For the reasons above.
	A school for children.	do. do.
<i>At the Hawkesbury.</i>	<i>At the Hawkesbury.</i>	
	A large granary for the reception of wheat and maize.	Foundation of one now laying.
	A large and strong storehouse.	The present too slight to be secure.
	A barrack for the military doing duty here.	The present a miserable building.
	A wind or water mill.	For the convenience of this district.
	A strong prison.	For the reasons already given.
	A small hospital.	The distance from hence to the nearest hospital being 20 miles.

All the buildings herein mentioned are exceedingly wanted, but the great scarcity of artificers will render their completion a work of considerable time and much difficulty. Such as are indispensably necessary for the preservation of our crops will, of course, be the first attended to.

JNO. HUNTER.

[Enclosure No. 2.]
GENERAL STATE of the different Districts of the Settlement.

Number of Settlers nearly.	Name of the District	When Settled.	Land Cleared and in Cultivation.	Live Stock.				Private circumstances.	General Character.
				Pigs.	Sheep.	Goats.	Poultry, dozen.		
33	Prospect Hill and Kissing Point.	From 1791 to 1795.	acres. 550	161	A few.	..	80	Generally in debt; at this time owe £500	A few who are good, some indifferent, and many idle and worthless characters.
46	Richmond Hill and the north side of the river Hawkesbury.	From 1793 to 1795.	370	130	..	..	100	In debt at this time £905.	Of various characters; too many so very bad as not to promise much benefit to the colony.
42	South side of the river Hawkesbury.	From 1794 to 1795.	406	225	..	..	167	In debt at this time £1,850.	Very idle and indifferent characters, with a very few exceptions.
30	On the creek, south side of the Hawkesbury.	From 1794 to 1795.	223	122	..	A few.	46	In debt at this time £1,016.	A few industrious, and many worthless characters.
Not yet ascertained.	Hunter's Hill, Lane Cove.	Very late in 1795.	55	42	..	..	15	.....	Some appear to be industrious, a few but indifferent.
32	Northern boundary, Ponds and Field of Mars.	From 1791 to 1795.	723	160	22	42	70	.....	Many industrious; some few indifferent; a few bad.
63	From Sydney to Parramatta, south side of the harbour.	From 1793 to 1795.	430 A considerable quantity cut down, but not yet burnt off.	82	5	90	46	In debt at this time £142.	A few indifferent characters; but the majority industrious.
				921	about 30	about 140	480		

GENERAL OBSERVATIONS.—I am sorry to observe that the debts of the settlers in general are chiefly, altho' not wholly, owing to a disposition to indulge in drunkenness, and this disposition they have had it too much in their power to gratify, from the quantity which has by some means unaccountable found its way into the settlement.

It has been known that the produce of the labour of a whole year has been thrown away for a few gallons of a very bad spirit.

It will appear by this statement that the settlers on the Hawkesbury are more in debt than in any other district. Their idleness cannot so well be prevented, the distance from hence is so great, and the want of a respectable magistrate to reside upon the spot is very much felt.

The ground of their farms is of a superior quality, altho' those which lay low are sometimes inundated.

The debts have been enquired into as a means of showing the idleness or industry within the different districts.

Much more ground in all the districts has been cleared of its timber than is here mentioned; but it requires much labour and time to burn it off before cultivation is practicable.

What cultivation is here noticed is independent of officers' farms. A particular account of them will be given in another place.

JNO. HUNTER.
1796
20 Aug.
General state of the settlements.

HISTORICAL RECORDS OF NEW SOUTH WALES.

COMMISSARY PALMER TO CAPTAIN MACARTHUR.

Sydney, 24th August, 1796.

Dear Sir,

His Excellency has desired me to inform you that from the return of the small quantity of nails now remaining in the public stores that he cannot comply with your request. He has further said that he has no objections to your having some brads if they will answer your purpose: also, that you may have some slops for your people.

I am, &c.,

JNO. PALMER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

25th August, 1796.

My Lord,

The amount of the various sums for which bills have been drawn for the use of this colony, since my arrival in it, being considerable, and notwithstanding the Commissary's accounts of the expenditure thereof will be transmitted by this conveyance, and will I hope and trust be found clear and satisfactory, I nevertheless have so great a desire that your Grace should understand as clearly and satisfactorily as possible the real occasion of those expences, that I must beg permission to state generally from whence they likely arise. I have formerly pointed out to your Grace the expences likely to be incurred, as well as the loss which may probably be sustained by the unfortunate delay in the erecting of those public buildings so essentially necessary. Your Grace will pardon me if I observe that, could the embarrassment of the person whom his Majesty had thought proper should succeed to the government of this colony been the wish of any, it could not more effectually have taken place. I have every possible difficulty to encounter, but I trust I have also perseverance to surmount them; nor should I at this time have named them, or in any way noticed them to your Grace, were it not for the expence which is so unavoidably occasioned by them.

By the Commissary's accounts it will be observed that a considerable part of the expences are on account of Norfolk Island—some part from the necessity of purchasing various articles indispensably requisite for the use of the colony from ships calling here, who, taking the advantage of our wants, have been exorbitant in their prices; others from the constant wages given to artificers of different descriptions for the various works to be performed—the sums paid for wheat and maize of the last year's growth; and also, latterly, the purchase of a flock of goats from an officer returning home, intended to prevent the destruction of so much valuable stock, and for the purpose of fulfilling the promises of Government to many settlers—the hire of the ship Britannia to

THE WORK OF MARK.

NAME
WAY AND
NAME

Public
buildings.

part of
to the
and -

India, chartered before my time, is also to be paid by bills in my name. This brief statement will be found circumstantially noticed in the Commissary's accounts. 1796 25 Aug.

As the Commissary has obtained leave to return to England upon his private business, he will be present to explain anything relative to his books which may require it; and it will be highly satisfactory to me that he should have an opportunity, in case his vouchers should not be as simple, as perfect, and clear as could be desired. Palmer's return.

I have, &c.,

JNO. HUNTER.

P.S.—I beg leave to observe, my Lord, that I trust the expences of the colony will not be found to be so great in the next as it has been during the last year. The quantity of maize now on the hands of Government will, it is highly probable, render the purchase of that article in quantity considerably less, if not wholly unnecessary; in that case, settlers and others who raise that kind of grain will be obliged to apply it to the feeding of live stock—a circumstance which will prove highly advantageous to the colony. Anticipated reduction of expense.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

25th August, 1796.

My Lord,

Professing to lay before your Grace by this conveyance as compleat an account of this colony as it may be in my power to make out, it becomes necessary that I should say something further on the subject of your Grace's letter of the 10th of June, 1795* (No. 1), in which your disapprobation of the measure pursued by Lieut.-Governor Grose relative to the number of men allowed to officers was particularly marked. In my letter No. 1† I had, previously to the receipt of your Grace's letter above alluded to, mentioned that I approved of the Lieut.-Governor's regulation in this instance, and had continued it, and in my letter No. 9‡ in reply to that particular part of your Grace's I mentioned the consequences which must ensue to the colony if I withdrew that assistance from those farms; but being extremely anxious to fulfill the instructions contained in the above letter, as far as it could be done consistently with the immediate interest and prosperity of the settlement, I had signified to the officers generally my concern at the necessity I found of depriving them of those labourers who had been for some time allowed them. In consequence of this information I received the inclosed letter, No. 1, from the officers of the civil department, and also a similar one from the military. These representations, and the reasons I have urged in my former letter for wishing to continue this assistance as far as it could be done, induced me to offer to those gentlemen Convict labourers allowed to officers.

The officers informed.

* Vol. II, p. 302.

† Ib., p. 328.

‡ Ante, p. 40.

1796

COMMISSARY PALMER TO CAPTAIN MACARTHUR.

24 Aug.

Dear Sir,

Sydney, 24th August, 1796.

The stock of
nails.

His Excellency has desired me to inform you that from the return of the small quantity of nails now remaining in the public stores that he cannot comply with your request. He has further said that he has no objections to your having some brads if they will answer your purpose ; also, that you may have some slops for your people.

I am, &c.,

JNO. PALMER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

25 Aug.

My Lord,

25th August, 1796.

Ways and
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Public
buildings.Expenses of
Norfolk
Island.

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India, chartered before my time, is also to be paid by bills in my name. This brief statement will be found circumstantially noticed in the Commissary's accounts. 1796 25 Aug.

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* Vol. II, p. 302.

† Ib., p. 328.

‡ Ante, p. 40.

1790
25 Aug.
A modified
plan.

the inclosed plan, No. 2, which I submit to your Grace's consideration. At present I have only to say that such regulation has taken place, and will continue only until the improvement of the different farms may enable the possessors to take off the hands of the public the labourers they have been indulged with, or until I receive your Grace's further commands on this subject.

I shall be happy to understand that what I have done in this matter has not been disapproved by your Grace.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

THE CIVIL OFFICERS TO GOVERNOR HUNTER.

Sir,

Sydney, 25th February, 1796.

The civil
officers state
their case.

As it is well-known that we whose names are hereunto subscribed have been at much private expence in clearing and cultivating the allotments of ground which have been granted to us, and that we have on all occasions used our utmost exertions to raise grain for the purpose of promoting the interest of the settlement, by endeavouring to render the importation of that article from any other quarter unnecessary:

This, however, we should not have been able to accomplish but for the very liberal allowance of men, which have been victualled from the public store, and suffered to remain in our employ.

Aid received
from
Govern-
ment.

We take this opportunity of assuring your Excellency that no exertions of ours shall ever be wanting to strengthen the hands of Government, and to promote the interest of the settlement by such means as shall be in our power.

It has been reported that our having been allowed the number of men we are at present indulged with has not met the approbation of his Majesty's ministers, and that in future two servants as domestics can only be continued to us, unless we chose to maintain and cloath more.

An offer
from the
officers.

We are all of us much inclined and perfectly ready to do everything in our power to lessen the public expence, and we submit to you the two following proposals for that purpose, which we hope will meet with your Excellency's approbation:—1st. On account of the great scarcity of cattle useful in agriculture, it is by manual labour only we can possibly continue in cultivation the lands we have already cleared, and if that assistance which we have hitherto been indulged with be totally withdrawn we shall be under the unavoidable necessity of letting our lands lie fallow, which must be obvious to your Excellency will greatly injure the prosperity of these settlements. We therefore agree to take a certain number of men, according to the present state of the cultivation of our respective farms, to be victualled and

cloathed at our expence. 2nd. As the late reduced ration of the colony compelled us to kill the greatest part of our live stock, several of us cannot as yet support these men with animal food, nor find them cloathing. Should it meet your Excellency's approbation to allow us to draw animal food and cloathing for them, we pledge ourselves to turn into his Majesty's stores an equivalent proportion of grain. 1796
25 Aug.
—
An
alternative.

At a future period, when our stock is increased, and our farms are in a more advanced state of cultivation, it is our intention to lessen the public expence by maintaining an additional number of men. Their
future
prospects.

We leave it entirely to your Excellency's consideration what farther assistance you may think proper to indulge us with from the statement of the above circumstances.

Professing the greatest respect and attachment for your Excellency, and warmest zeal for the benefit of his Majesty's service, in which we are all mutually engaged, we beg leave to subscribe ourselves, &c. (Signed by the officers of the Civil Department.)

[Enclosure No. 2.]

PLAN FOR REDUCING THE NUMBER OF LABOURERS ALLOWED TO OFFICERS AND MAINTAINED AT THE PUBLIC EXPENCE.

1st. Each officer hitherto allowed thirteen men, viz., three for domestic purposes and ten for clearing and cultivating land, to be reduced two men, and to take two off the public store; but if his farm is extensive, and in good cultivation, he is either to maintain three or be reduced three, instead of two. The
labourers of
officers
reduced.

2nd. Those whose farms are not in such improved state as will admit of their maintaining any are to be reduced in their numbers four. J.H.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,
My Lord, 26th August, 1796. 26 Aug.

I am concerned to have to report to your Grace the death of Mr. Henry Brewer,* the Provost-Marshal of this settlement. He was, when I arrived in the colony, in so weak a state of health, and so wholly incapable of duty, as to render it necessary for me to appoint some respectable and active person to do the duties of that office, which, allow me to say, my Lord, are in this country very considerable; and as the person occupying that station is so immediately under the notice and direction of the Judge-Advocate of the colony, I have had recourse to his recommendation of a well-qualified person. The Provost-
Marshal. ✓

Mr. Thomas Smyth† I have appointed to officiate until your Grace's pleasure shall be known. He has been bred in the Army, Thomas
Smyth at
Sydney.

* Ante, p. 38 (note).

† Ante, p. 37 (note).

1796

26 Aug.

✓✓

Fane Edge
at Norfolk
Island.

and served long in his Majesty's marine corps. He has done the duty of his present appointment so very highly to my satisfaction, and with so much spirit and activity, that I beg to recommend him to your Grace as a very fit officer for that station in this settlement. This circumstance renders it convenient to remind your Grace that, having a Court of Criminal Judicature established upon Norfolk Island, an officer as provost-marshal becomes a necessary appointment there. I will therefore mention that Mr. Fane Edge,* who was appointed to that office by Governor Phillip in 1791, still does that duty on the island, without confirmation, and without salary; and, as I have always understood that Mr. Edge has acquitted himself well in that office, I beg to say that he merits some consideration for his past services, as well as a confirmation of his appointment.

The Beach-
master at
Norfolk
Island.

It would be improper in me to omit, upon so good an opportunity, inclosing to your Grace the recommendation of [Lieutenant] Governor King for an allowance to Mr. John Drummond, appointed to attend as beach-master. I will only assure you, my Lord, that the necessity of such an appointment upon that island I am too well acquainted with from my own unfortunate experience not to agree perfectly with [Lieutenant] Governor King in the advantage attending its being allowed. To be placed on the footing of a superintendant of convicts would, I apprehend, be considered as an adequate provision.

Captain
Paterson's
return to
England.

I have now to report to your Grace that Captain William Paterson, of the New South Wales Corps, from a tedious and painful inflammation in his right eye, has been reduced to the necessity of desiring permission to return to England, least from any delay in the procuring of that advice which may be obtained there he be wholly deprived of the use of that organ. He has received my permission to return for that purpose. Lieut. Abbott and Lieut. Clephan, of that corps, having long been from ill-health incapable of duty, are also permitted to return. This reduces the strength of the corps so very low in officers, particularly when the detached services are considered, that your Grace will see the necessity of a recruit of officers as well as men.

The
Commissary
on leave.

The Commissary will avail himself of the leave of absence sent out to him some time past, and will return to England upon his private concerns. I therefore appoint a Mr. James Williamson to do that duty until the Commissary's return. This gentleman is so very well qualified for that department that if my request that an additional Deputy Commissary be allowed for the management of that business at Parramatta and the Hawkesbury, permit me, my Lord, to recommend Mr. Williamson for that station.

The Judge-
Advocate.

✓✓

The Judge-Advocate, Captain David Collins, having long ago obtained his Majesty's permission to return to England, now goes

* Post, p. 520.

in the Britannia. Mr. Richard Atkins was directed at the same time to do that duty until his return, which, for the good of the service in this colony, I earnestly hope may be soon.

1796
26 Aug.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord, Sydney, N.S. Wales, 26th Aug., 1796.

A Court of Civil Jurisdiction having taken place soon after my arrival in the colony, in which a free settler was plaintiff and four persons of the military were defendants:*

When the minutes of this Court were laid before me, I thought there appeared on the part of the defendants so very indecent a degree of warmth, and a consequent want of that respect which is at all times due to a Court of Justice, that I mentioned at the time my determination to send the whole proceedings to England, and to lay it before your Grace, and also to request that I might be indulged with the opinion of the Crown lawyers upon it. This trial, my Lord, was, I believe, amongst the first of this kind which had happened in the colony, and from that circumstance occasioned considerable bustle.

A trial in
the Civil
Court.

After the Court had decided, the plaintiff had occasion to return, from going on his way home, and to claim the protection of the Court from insult and violence.

One of the defendants (a private soldier) was advised by his friends to appeal from the verdict of the Court. I say advised, my Lord, because the man did not appear to me to know the meaning or intention of an appeal, and therefore I did not conceive it to be a motion of his own. The decision on that appeal is herewith inclosed.

An appeal.

I cannot allow myself to close a letter on this subject, my Lord, without taking that opportunity of observing that I strongly suspect there are some person or persons in this colony (whose situations are probably respectable) extremely inimical to the necessary influence and authority of the civil power, and to that respect which is due from the public to the civil magistrates.

Antagonism
to the civil
power.

I have thought it necessary to mention thus much that it might not create surprise hereafter, should I, contrary to my wish or inclination, have occasion to be more circumstantial. I shall be happy to understand that we have not in the present instance been deficient in that attention and justice which is due to all who decently and respectfully submit their claims or complaint to the decision of the law. I must farther add, my Lord, that I look forward with hope that the time may not be far distant when our Courts will be settled more immediately upon the plan of those in our mother country.

I have, &c.,

JNO. HUNTER.

* The circumstances of this case are detailed in a footnote on p. 339 of Vol. II.

1796

[Enclosure.]

26 Aug.

VERDICT ON CASE ABOVE ALLUDED TO.

The verdict
on appeal.

THE Governor then delivered his opinion in the following words:—

It is quite unnecessary for me to make any observations on the arguments urged in this reply, my judgment in the cause being all that is now wanting.

Parties to
the suit.

After a carefull and most serious investigation of the minutes of the Court of Civil Judicature, before whom the cause between Mr. John Boston, plaintiff, and Mr. Thomas Laycock, Mr. Neil McKellar, William Faithfull, and William Eaddy, all of the New South Wales Corps, defendants, has been tried, and the decision of the Court in that cause, from which decision William Faithfull, one of the defendants, has claimed his right of appeal to a higher Court. I am come here to give my final opinion upon that cause—a cause which I conceive to be of considerable importance to an infant colony.

British laws.

I have already said, in my observations upon the language and opinions held forth in the appeal, all that I conceived necessary to impress upon the minds of those who may have been present a due respect for those laws by which everyone in this colony is protected in his person and property, and to satisfy all who, although residing here at present, may hereafter live in some other part of his Majesty's dominions, that, however distant from the mother country, they are nevertheless under the protection of the British laws, and that they are, whatever may be their rank or profession, amenable to them.

The
Governor's
attitude.

I have not lightly passed over or carelessly perused the minutes of the Court in this cause, but I have considered in the most serious manner the very solemn oath which I took before I entered upon the duties of my office in this country that I would see, to the best of my judgment, the most perfect justice administered to all his Majesty's subjects residing within this territory. By that oath I am now to be governed, and by the different evidence I am to be led to the truth. Were my knowledge of law equal to my desire of justice, and my powers of eloquence equal to my love of truth, and if I were at this moment so situated as to have occasion to give my opinion to a jury who were to decide in this cause, I should have much to say, much to remark, on some part of the evidence given upon this occasion.

He upholds
the verdict.

But, as I stand here, forming a complete Court in my own person—a situation which, I confess, I do not envy, but from which as a part of my duty I will never shrink, taking justice for my object and conscience for my guide—I have only, therefore, to satisfy my own mind how far the verdict appeal'd from has been a just one. It will on that account be wholly unnecessary in me to make any remarks upon the evidence, but to come at once to the point of decision, which I do by declaring that, in my judg-

ment, the assault complained of has been fully proved, and that I do not only confirm the verdict already found by the Court in which this cause was tried, but I must add that I have thought it a lenient one.

1796
26 Aug.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord, Sydney, N.S. Wales, 27th Aug., 1796.

27 Aug

The many distressed objects we have in this country who have from time to time been invalided from the military service require that I should use some means for having them returned to their native country, where it is not improbable that some few may recover so far as to be again, at some future period, capable of entering into its service.

Invalided
soldiers.

Several officers also, whose ill-health renders their continuance longer here a certain bar to any hope of recovery, and the continual expence as well as burthen to this colony occasioned by persons sent here upon salaries who have not yet been of any use, and who having served the time contracted or agreed for by Government are by that contract to be sent home at the expence of the Crown, and the probability of a continuance of this useless expence, unless some means are attempted for taking it off, are altogether considerations which have operated strongly with me in making the contract, which I have now to lay before your Grace.

Useless
officials.

The Britannia, storeship, which had lately arrived from Bengal, and had been discharged from his Majesty's service in order to proceed again to the East Indies, where a cargo for England had been promised, but no written agreement having been entered into for that purpose, I have availed myself of the offer of that ship to sail directly for England in his Majesty's service. A copy of the charter is enclosed for your Grace's inspection, and I am hopeful, my Lord, that the motives which have induced me to take this step, and the saving to be made by the early returning of useless people to England is considered, I shall not be censured for the means I have used to exonerate the colony of the burthen.*

The
Britannia
hired.

If I had sent the sick to the Cape in one of the King's ships, they might there have languished in great distress for some time before any opportunity might have offered for their conveyance to their native country.

The different officers whose names I have mentioned in my letter No. 16† will return to England in the Britannia, except Mr. Palmer, the Commissary, whose assistance will be so very necessary in making the purchases at the Cape, whence he will take his passage in one of his Majesty's ships. I send them thither this season in consequence of the information I received

Officers
returning
in the
Britannia.

* The charter is not available. The Duke of Portland disapproved of this expensive method of conveying invalid officers to England. See his letter to Hunter of 31st August, 1797, post, pp. 296, 297; and Hunter's somewhat petulant rejoinder, post, p. 389.

† Ante, p. 85.

1796 by the ship Marquis Cornwallis that that port was in the possession
 27 Aug. of his Majesty's forces, and in obedience to that part of my
 instructions from his Majesty which relates to the stocking this
 colony with live cattle. I have, &c.,

JNO. HUNTER.

EXTRACT from a letter from the Rev. J. Newton* to the Rev. R.
 Johnson. 27th August, 1796.

Hunter
and the
Chaplain.

I HAD for some time been anxious to hear of the new Governor's arrival, and therefore I rejoiced at the news, especially to know that he heartily gives you his countenance and support. You have indeed long had a trying post, but the Lord has upheld you and taught you to profit by it. And now I hope and trust your latter's will be your best days.

The Governor's stated attendance at church in the forenoon, and his suppressing needless labour on the Lord's Day, will, I trust, have a visible good effect. They are indeed great things, and, as you say, as much as you can have expected.

Johnson's
position
more com-
fortable.

As your outward situation becomes more comfortable, the enemy will probably change his ground and mode of attack. If the Lord preserves you in the spirit of humble dependance upon Himself, you need not greatly fear what either men or devils can do against you.

The
attitude of
Major
Grose.

I believe you need not trouble yourself about Major G. I do not think he has done, or can do, you any harm; and probably, though you have reason to remember him, he may by this time in a manner have forgotten you. You take the best method of relieving your own mind from the remembrance of his injurious treatment, and the best method of retaliation, by praying for him.

Your letter to Mr. Stokes gave a pleasing account of your garden and farm. Methinks I see you, like Abraham and Isaac, whom the Lord blessed. You have flocks, if not herds, chickens, and pigs, and ducks, and, I suppose, men servants and women servants.

J. NEWTON.

GOVERNOR HUNTER TO UNDER SECRETARY NEPEAN.

31 Aug. Sir, Reliance, Sydney Cove, N.S. Wales, 31st Aug., 1796.

The British
possessions
at the Cape.

The ship Marquis Cornwallis, in her way from Ireland to this settlement, having touched at the Cape of Good Hope, I received by letters from Major-General Craig and Commodore Blankett the pleasing intelligence that that place had surrendered to his Majesty's arms, a circumstance which is of particular consequence to this distant part of his Majesty's dominions. In consequence of that information, I avail myself of the approaching season to send the King's ships, the Reliance and Supply, to the Cape, in order to execute that part of my instructions from his Majesty which relates to the stocking this colony with live cattle.

Live stock to
be procured
from the
Cape.

* Vol. II, p. 5 (note).

Of this circumstance I am to request you will be pleased to inform their Lordships. The state and condition of the two ships will be transmitted from the Cape by their respective commanders. I am extremely concerned to say that the condition of neither is so good as I hoped to have found it. We have given both of them very considerable repairs since they have been here, but the defect of the Supply, whose commander will not complain whilst he can make her swim, is of such a nature as we cannot repair. Her beams, knees, and timbers are exceedingly rotten and decayed. I have inspected them myself, and speak from real observation. She is an American-built ship, and, I believe, wholly of black birch, which is a timber not sufficiently durable for such a distant service as this, as it is known to complain so very suddenly in warm climates. The Reliance wanted strength, which we have endeavoured to give her as well as in our power, but she is so extremely weak in her whole frame that it is, in our situation, a difficult matter to do what may be necessary. I am the more concerned at the defects of the Supply because she is a ship so much better calculated for the service of this colony than the Reliance.

1796

31 Aug.

H.M.S.
Supply.H.M.S.
Reliance.

I have, &c., JNO. HUNTER.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

Sir,

Whitchall, 31st August, 1796.

Since writing my letter to you of the 11th instant there has been transmitted to me by the Lords Commissioners of the Treasury, Major Paterson's letter of the 16th September, 1795, enclosing bills drawn on their Lordships for £21,499 9s. 5d.*

Bills on the
Treasury.

I have already observed on some of the services for which these bills were incurred in my letter of the 8th June last;† but I cannot suffer the Ganges to depart without expressing my great disapprobation at the want of economy in the expenditure of public money which appears in several particulars of this account. First, the unnecessary quantity of grain of different sorts, brought in the Endeavour, when the main object was to procure breeding-cattle to stock the settlement;‡ and secondly, the extravagant prices paid to individuals for grain and swine's flesh, when it clearly appears to me from the accounts I have received from Norfolk Island that the same, or a much greater quantity, might have been procured from individuals there at less than one-half the price, and with respect to grain, at a less rate than the grain brought in the Endeavour in the proportion of one-third, exclusive of what grain might be spared from that raised by convicts in Norfolk Island.

Evidences of
extrava-
gance.Purchasing
provisions.

I trust that it is unnecessary for me to say anything further to enforce your immediate attention to the reduction of the unwarrantable expenses which have been hitherto incurred in the settlement.

I am, &c., PORTLAND.

* Vol. ii, p. 310.

† Ante, p. 50.

‡ Grose to Dundas.—Vol. ii, p. 22 and note.

1286
I. Aug.
total of the
settlements

When the settlement was first made, the number of the people was 1286.

People settled in the settlement	1790.		Aug. 31.		Sydney.....		Parramatta and Toongabbee.		Hawkesbury	
	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.
Registrar of Vice-Admiralty Court.	1	1	1	1	1	1	1	1	1	1
Children above 16 years of age.	2	2	2	2	2	2	2	2	2	2
Children under 16 years of age.	18	18	18	18	18	18	18	18	18	18
Children above 5 years of age.	34	34	34	34	34	34	34	34	34	34
Privates.	200	40	200	40	200	40	200	40	200	40
Drummers.	11	11	11	11	11	11	11	11	11	11
Corporals.	12	12	12	12	12	12	12	12	12	12
Sergeants.	14	14	14	14	14	14	14	14	14	14
Surgeon.	1	1	1	1	1	1	1	1	1	1
Quarter-master.	1	1	1	1	1	1	1	1	1	1
Adjutant.	1	1	1	1	1	1	1	1	1	1
Ensigns.	3	3	3	3	3	3	3	3	3	3
Lieutenants.	3	3	3	3	3	3	3	3	3	3
Captains.	4	4	4	4	4	4	4	4	4	4
Children above 16 years of age.	2	2	2	2	2	2	2	2	2	2
Women.	1	1	1	1	1	1	1	1	1	1
Superintendent's Storekeepers, &c.	6	1	6	1	6	1	6	1	6	1
Deputy Commissary.	1	1	1	1	1	1	1	1	1	1
Deputy Surgeon.	1	1	1	1	1	1	1	1	1	1
Assistant Surgeon.	1	1	1	1	1	1	1	1	1	1
Chaplain.	1	1	1	1	1	1	1	1	1	1
Provost-Marshal, or his Deputy.	1	1	1	1	1	1	1	1	1	1
Commissary.	1	1	1	1	1	1	1	1	1	1
Surveyor of lands.	1	1	1	1	1	1	1	1	1	1
Deputy Judge-Advocate.	1	1	1	1	1	1	1	1	1	1
Cavalry-Sergeant, and his assistants, &c.	1	1	1	1	1	1	1	1	1	1

VITAL STATISTICS.

93

State of the Settlements at Sydney, Parramatta, &c., in New South Wales.

Time.	Settlements.	Free People and Free Settlers.		Convicts.		Convict Settlers Victualled.	Men.		Women.		Children above 2 years of age.		Children under 2 years of age.		Orphans.		Natives victualled from the Public Stores.		Whole.		Two-thirds.		Hall.		Quarter.		Numbers on the different rations.	Numbers victualled from the Public Stores.	Whole number at full ration.	Number in the Settlements.	Weeks Provision in Store at the established ration.
		Men.	Women.	Children above 2 years of age.	Children under 2 years of age.		Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.					
1796.																															
Aug. 31.	Sydney.....	18	20	7	..	6	13	5	1,026	493	..	..	155	80	5	8	1,408	515	198	98	2,210	1,875	2,385								Flour .. 31 1 Beef .. 44 6 Pork .. 22 0 Pease .. 29 1 Rice .. 41 4 Dholl .. 4 0 Wheat .. 4 0 Maise .. 4 0 Sugar .. 4 0
"	Farramatta and Toongabbee.	16	9	4	..	27	5	3	427	230	5	7	57	47	2	1	556	267	84	58	965	790	1,020								
"	Hawkesbury	10	3	..	3	45	2	1	180	87	..	..	32	22	..	1	296	98	43	27	454	379	601								

JNO. HUNTER.

JNO. PALMER, Commissary.

1796

31 Aug.

State of the settlement.

HISTORICAL RECORDS OF NEW SOUTH WALES.

1796
31 Aug. ACCOUNT shewing the proportion of expence of Provisions purchased on account of Government in New South Wales, at Bengal and Batavia, between the 27th of Sep'r, 1791, and the 31st of August, 1796, incurred by the convicts received from Ireland during that period.

Cost of
provisions.

Average time of purchase.	Average whole No. of Irish convicts in the settlement.	Amount of purchases.	Average whole No. of Irish convicts.	Proportion of purchases incurred by the Irish convicts.
17 March, 1792 ..	3,068	£ 400 0 0	111	£ 14 9 5½
Between 21 July and 23 Dec'r, 1792 ..	2,744	13,030 18 0	104	498 17 7½
" 17 Feb'y and 17 May, 1793 ..	2,714	8,997 8 1½	98	324 17 9
" 23 August and 12 Oct'r, 1793 ..	2,876	1,100 18 8	378	144 13 11½
" 12 March and 3 July, 1794 ..	2,965	9,691 0 0	368	1,206 17 3½
" 30 Jan'y and 18 March, 1795 ..	2,998	3,954 15 0	355	468 5 9½
" 19 March and 10 June, 1795 ..	2,985	5,401 0 0	353	628 14 2½
" 10 June and 4 Sep'r, 1795 ..	2,965	15,382 1 10	353	1,890 17 0½
" 15 Feb'y and 11 May, 1796 ..	2,961	5,819 2 1	528	1,067 13 0½
" 2 July and 12 Aug't, 1796 ..	3,135	829 8 0	745	197 0 9½
" 26 Aug't and 31 Aug't, 1795-1796 ..	5,020	31,001 0 8	697	6,538 19 2½
Proportion of freight of the Britannia, from New South Wales, to and from Batavia, chartered from ye 26 Aug't, 1793, to 5 July, 1794 ..	2,915	2,210 7 7	373	282 16 9
Proportion of do. from do., to and from Bengal, chartered from ye 8 May, 1795, to the 5 June, 1796 ..	2,970	2,971 10 2	411	411 4 2
		96,107 7 4½		12,966 6 1½
		101,289 5 1½		13,650 7 0½

N.B.—The freight of the Atlantic is included in the sum carried out as the amount of the provisions purchased (after deducting £373 9s. 0d. st'g, arising from the damaged grain, &c., sold at Sydney by L't Bowen), consequently the Irish convicts are already charged with their proportion of it.

JNO. PALMER, Commissary.

ACCOUNT of Births and Deaths at Sydney, Parramatta, &c., in New South Wales, between 1st day of January, 1796, and 31st day of August, 1796.*

Births.

BIRTHS.

Date.	Name.	Date.	Name.
<i>Military.</i>		<i>Military.</i>	
25 June ..	Isabella Lyons.	5 Augt. ..	— Letherby.
27 " ..	Cathe. Twig.	5 " ..	Thos. Ikin.
29 " ..	Elizth. Laycock.	9 " ..	Wm. Nash.
3 July ..	Elizth. Urch.	14 " ..	Phoebe Whittle.
2 Augt. ..	John Wood.	15 " ..	Stephen Nash.
<i>Convicts</i>		39	

* Continued from Vol. II, p. 347.

THE MORTALITY BILL.

95

ACCOUNT of Births and Deaths at Sydney, &c.—*continued.*

1796

DEATHS.

31 Aug.

Date.	Quality.	Names.
8 July.. ..	Civil Department	Henry Brewer.
24 Jan'y. ..	Military	Joseph Eades.
7 Mar.	"	Richd. Hudson.
27 April ..	"	Thos. Holton.
27 "	"	David Jones.
23 July.. ..	"	Andw. Fishburne.
24 "	"	Geo. Scotney.
6 Augt.	"	Edwd. Hennings.
Convicts		11

Deaths.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.*

Sir,

Whitehall, — August, 1796.

I have laid before the King your letters to me by the Young William, of the 25th of October last, † numbered from 1 to 5 inclusive, with one (separate) of the same date, which were received on the 9th inst. ; and I am so fortunate as to be able to send you an answer to such parts of them as appear to require it by the Ganges, transport, which is upon the eve of her departure, with two hundred and four male convicts, for your settlement.

Convicts by the Ganges.

The present flourishing state of the settlement is a subject of great satisfaction to me; and I have not now the smallest doubt but that by means of your care and attention in procuring and breeding live stock a very short time will suffice to render a supply of salt provisions wholly unnecessary. Altho' I perfectly agree with you that the encouragement given to settlers and other individuals is the surest and most expeditious way of promoting the agriculture of the country, inasmuch as it holds out a personal motive for exertion, I must remind you that, at the same time, the interest of the publick must not be lost sight of, and that it is not reasonable that the publick should feed those convicts whose labour it gives to individuals, and should afterwards purchase the produce of that labour. Nothing ought to be more reconcileable than the public interest of every State and that of the individuals who compose it; and, as that union must be the consequence of proper management, I am persuaded it cannot be more likely to be effected than in a country the government of which is placed in your hands. The more convicts that can be made over to individuals and taken off the store the greater will be the advantage; but it must be understood that those individuals, of whatever description, and in whatever situation they may happen to be, who take the convicts, must support them at their own expence, and must not be suffered to receive the produce

Public interest to be studied,

not that of individuals.

* This is apparently Portland's despatch No. 4, referred to by Hunter.—Post, p. 231.

† Vol ii, pp. 327, 328, 331, 332, 333.

1796
 Aug
 —
 Self-
 supporting
 convicts.
 Salt
 provisions.

of the labour of the convicts at the cost of the Crown* ; and as for such convicts as remain unemployed by individuals, they must, of course, be employed in the manner the most conducive to their own subsistence, without regard to the operation it may have on the relative value of the produce and effects of individuals.

Expense of
 the colony.

The several quantities of salt provisions which have been sent in the transports mentioned in the margin,† and of which you have received invoices by my letters of the 30th of October and 8th of June last, added to what will now go out in the Ganges (of which I shall herewith transmit you the particulars), will form altogether a supply for the settlement for the whole of the year 1797, at least, exclusive of what may be obtained in consequence of the engagements entered into with the master of the Britannia, and of the resources of the settlement in respect to fish (which I trust can be salted) and other species of provisions, besides grain. The great superabundance, moreover, of several articles of provisions at Norfolk Island will allow of your drawing from thence such a proportion of them as that part of the settlement can spare. In short, you are to resort to every practicable measure for relieving this country from the very great expences incurred both in sending wet provisions from hence and in purchasing them from other quarters, the latter of which, I take it for granted, will never again be necessary.

New
 possessions.

In the hope of enabling you to employ the ships under your command to the best advantage in stocking the colony with live cattle, it is with particular pleasure I inform you that the Cape of Good Hope, the Island of Ceylon, Cochin, and the Dutch Settlements in Malacca, now make a part of his Majesty's dominions.

Deficiency in
 officers to be
 remedied.

In consequence of what you represent to me in No. 2,‡ there is a want of a sufficient number of officers to attend to the several duties and to hold Courts under the Act of Parliament. I will take into immediate consideration the means you propose to remedy this evil. To guard, however, against any immediate deficiency, an ensign will accompany thirty privates, who will go by the same conveyance as this dispatch, and another ensign will follow in the Britannia, hereafter mentioned.

Expirees

Your conduct with respect to those persons whose sentences of transportation being expired have been permitted to take themselves off the victualling store is perfectly right. I must observe to you, however, that they should not be suffered to commit such serious offences as you mention, with impunity ; and that neglect

* Hunter proposed to establish a modified system, by reducing the number of convicts allowed to the officers.—Ante, p. 85.

† The Ceres sailed from Deptford the 22nd July, 1795. The Marquis Cornwallis sailed from Cork the 7th August, 1795. The Indispensable sailed from Deptford the 22nd October, 1795. The Prince of Wales and the Sylph sailed from Portsmouth the 27th June, 1796.

‡ Vol ii, p. 328.

in bringing them to justice cannot but endanger the tranquillity, good order, and security of the whole settlement.*

In consequence of your representation in No. 4,† that further surgical assistance is wanted, I have signified to Mr. White the absolute necessity of his returning to the settlement immediately, or of his relinquishing his appointment. This circumstance, however, will not prevent my looking out for a proper person, at all events; and I flatter myself that I shall be able to send you, by the present conveyance, an assistant surgeon in the room of Mr. J. Irving; and another by the Britannia, transport, destined to carry two hundred convicts from Ireland, and which will very shortly proceed to Cork for that purpose with a guard of thirty men and an ensign.

1796

Aug.

Surgeon
White to
return or
resign.Assistant
surgeons
en route.

A supply of medicines of the best quality, from Apothecary's Hall, was sent in the Indispensable, with a proper invoice, inclosed in a letter to you from Mr. King, of the 5th of November last.

Medicines
sent.

Mr. Thomas Clarke, superintendant of convicts, may be discharged, and have leave to return home; and you are at liberty to continue Mr. Walter Broady in his present employment of superintendant of the working smiths so long as you shall judge it necessary.

In the next year's estimate of the civil establishment of New South Wales I shall propose an additional Deputy Commissary and two additional storekeepers to be provided for. At the same time I rely on your making every practicable retrenchment, and that you will relieve the establishment from the expence of every useless and unnecessary person now employed, who should be discharged and sent home immediately if on the regular establishment, and if employed under a contract or agreement with Government, then as soon as ever the time for which such person was employed is expired.

Retrench-
ment
necessary.

The Ganges takes out 121,289 pounds of beef and 40,522 pounds of pork for the use of the settlement, exclusive of the necessary quantity for the consumption of the convicts during their voyage, and for nine months after their arrival. The above quantity of beef and pork, added to the quantity sent by the Prince of Wales and Sylph, transports, is calculated as making together a twelve-month's supply for the settlement.‡

Provisions
by the
Ganges.

I inclose you a list of the convicts which go by this conveyance, with the original contracts entered into by Thomas Patrickson, the owner of the Ganges, for their safe delivery in New South Wales,

* See Hunter to Portland, Vol. ii, p. 334.

† *Ib.*, p. 332.

		Beef.			Pork.
‡ Prince of Wales	.. .. .	111,216	.. .. .	261,678	
Sylph	.. .. .	245,280	.. .. .	243,840	
Ganges	.. .. .	121,289	.. .. .	40,522	
		477,785		546,040	

1796 together with his Majesty's Order in Council for the transportation to New South Wales of such of the convicts whose sentences required such order.

In a letter I have received from Lieutenant-Governor King, dated the 5th of October last, he informs me that some convicts whose terms of transportation have been long expired, and who have always conducted themselves with propriety, have felt much disappointed in not being allowed to leave the island in the Asia, which he says he could not permit without departing from Lieutenant-Governor Grose's orders. I therefore desire you will not lose a moment's time in informing him that in cases where the terms for which convicts have been transported are expired the law has not vested him with any discretionary power whatever, and that it is his duty to permit such convicts to depart whenever they chuse it, unless they happen to be legally detained in consequence of some new offence.

Since writing the above, his Majesty has been pleased to appoint Mr. Balmain chief surgeon, in the room of Mr. White, who declines returning to the settlement, and I hereby acquaint you that his Commission may be taken out by any person he may appoint for that purpose.* His Majesty has also appointed Mr. Mileham an assistant surgeon. That gentleman goes out in the Ganges, and has the medical care of the convicts.

PORTLAND.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

Sir, Whitehall, August, 1796.†

The Scotch
Martyrs

In answer to your letter, marked separate, of the 25th of October last,‡ inclosing one from Messrs. Muir, Palmer, and Skirving, on the subject of their several sentences, I am to inform you that I lost no time in transmitting copies of those papers for the consideration of the Judges of the Court of Justiciary, in order that they may report to me, for his Majesty's information, which, together with such directions as the case shall be found to require, I shall, I trust, be able to forward to you by the Britannia. It may not, however, be amiss to observe to you that in no case whatever can any of those persons return either to Great Britain or Ireland until the times for which they have been respectively sentenced are elapsed; for altho' Ireland is not mentioned in their sentences, you will nevertheless observe that by the Act of the 25th of Geo. III, chap. 46, section 3, it is enacted that if any offender or offenders who shall be so ordered by such Court, as is therein aforesaid, to be transported beyond the seas, or who shall agree to transport himself or

must serve
full
sentences.

* Mr. Balmain's Commission will be found on p. 70, ante.

† The exact date of this letter is not given; apparently it is the separate one of 22nd August, 1796, mentioned by Hunter, post, p. 232 (note).

‡ Vol. ii, p. 882.

herself on certain conditions, either for life or any number of years to any such place or places, part or parts, as shall be appointed by his Majesty in manner as is therein aforesaid, shall be afterwards at large within any part of the kingdom of Great Britain or Ireland, without some lawful cause, before the expiration of the term for which such offender or offenders shall have been ordered to be transported beyond the seas, or shall have so agreed to transport himself or herself, as is therein aforesaid, being thereof lawfully convicted, shall suffer death, as in cases of felony, without benefit of clergy, by the law of England; and such offender or offenders being so found at large within that part of Great Britain called Scotland may and shall be tried there, before any Court of competent jurisdiction, for the trial of the original offence.*

1796

Aug.

Penalty for absconding.

PORTLAND.

ACCOUNT of Live Stock in the Possession of, and Land in Cultivation by, Government and the Officers, Civil and Military, 1st Sept., 1796.

1 Sept.

Live stock and cultivation.

To whom belonging.	Mares and Horses.	Cows and Cow Calves.	Bulls and Bull Calves.	Oxen.	Sheep.	Goats.	Hogs.	Land in Cultivation.
To Government ..	14	67	37	46	191	111	59	acres. 1,700*
Officers, Civil and Military ..	43	34	37	6	1,310	1,176	889	1,172*
Total of Government and Officers	57	101	74	52	1,501	1,287	948	2,872
To Settlers ..	..	..	..	..	30	140	921	2,547*
General total ..	57	101	74	52	1,531	1,427	1,869	5,419

* Our weakness in public laborers and the many buildings we are so much in want of occasions the land cleared by Government to be unemployed this year.

* About four-fifths of this is now sown with wheat.

* Much timber cut down, but not burnt off.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord, Sydney, New South Wales, 1st Sept., 1796.

1 Sept.

The inclosed letter I received very lately from Mr. Palmer, the Commissary of this settlement, and I must acknowledge that I have long seen the difficulty attending that mode of keeping his accounts of which he complains; but when those instructions were received no difficulty did then exist, because the numbers were few. If the colony should at any future period consist of ten thousand people, that number will be nearly equal to the

Method of keeping accounts

* Post, p. 111.

1796

1 Sept.

unsuited to
condition of
colony.

complement of twelve first-rate ships of war, to each of which there would be a purser, and sufficient business for him; if, therefore, it is expected that the Commissary of the colony is to continue to keep his accounts in the same way that a purser in the Navy does, which will make them very voluminous, it will be necessary that he should have much assistance, as, in addition to the victualling and cloathing accounts, he must also attend to the receipts and expenditure of every other species of stores. I beg, my Lord, to submit Mr. Palmer's letter to your Grace's perusal, and if further information on the subject of it shall be thought necessary, he will be on the spot to explain.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

COMMISSARY PALMER TO GOVERNOR HUNTER.

Sir, Sydney, New South Wales, 29th August, 1796.

Palmer's
statement.

I beg leave to represent to your Excellency the orders which I received from Lieutenant-Governor Grose relative to the manner of my keeping the public accounts of this colony, as Commissary of Stores and Provisions, and to point out to you the extent of those orders.

An
unsuitable
system.

The manner in which I was then ordered to keep the accounts* is like unto that of a purser of a man-of-war, the executing of which, for the comparatively small number of a ship's company, might be easily accomplished, but when the numbers to be accounted for are from three to four thousand persons, the books then required to be kept become very extensive, particularly those of the slop and victualling accounts.

Expansion
of Commis-
sary's
duties.

I must further acquaint your Excellency that my duty as Commissary is something more than that of a purser, from being obliged to keep a particular account of all kinds of stores received and expended in the colony, and to transmit accounts of all ordnance, naval, victualling, and hospital stores, that may be received and issued to the different Boards; all which must necessarily occasion a vast deal of time and require a great allowance of stationery.

More
assistance
required.

It is necessary likewise to mention that should a greater number of persons be sent to this colony it will be almost impossible to keep the accounts in the manner I am directed, unless Government are pleased to appoint a sufficient number of persons qualified to assist in the Commissary's department, which assistance I have no doubt but your Excellency will see the necessity of, from our settlements being so divided, and the impossibility from the distance they are from head-quarters of their being directly under the eye of the Commissary.

* The instructions subsequently issued to Palmer as Commissary will be found at pp 500-503, post.

I must further add, from the encrease of the numbers since my appointment in the colony, which has brought on a very heavy business in the department, and from Governor Phillip having been pleased to assure me, on giving me that appointment, that my salary was small, but that I was not to consider it as an object, for after having served two or three years I should then have a claim on Government for something better. I must beg leave to mention to your Excellency that I have been upwards of six years the Commissary, and have served in his Majesty's navy twenty-two years prior to my appointment here, and that I have no one emolument except that of my salary of ten shillings per diem, which in this country will go but a very little way in supporting me and my family. Situated as I am, I believe I may venture to say that no Commissary under the Crown, even where there is not anything like the duty to do, but has a greater salary, or some emoluments which makes the appointment better.

1796

1 Sept.

The rate of pay.

Palmer's services.

By representing the above I do not wish to be understood as dissatisfied with my situation; having been brought up under Government from a very early period, I ever wish to remain in his Majesty's service, and will content myself with whatever salary my situation may be thought to merit.

He desires to remain in the service.

I have now only to beg your Excellency will be pleased to represent to the Right Hon'ble the Lords Commissioners of his Majesty's Treasury my services as Commissary of Stores and Provisions in this colony in the light you may see them in, which I hope will induce their Lordships to consider my services, and grant me such addition to my salary as they may be pleased to deem proper.

I have, &c.,

JNO. PALMER, Commissary.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord, Sydney, New South Wales, 2nd Sept., 1796.

2 Sept.

An American ship* having stopped here for refreshment in her way to Manilla and China, upon my receiving information of what her cargo consisted I found some articles which the colony was in want of, and the probability there appeared from the latest accounts of the political state of Europe, and the continuance of war, that in the hurry of the public concerns of the nation we might not be so early supplied from home as our necessities might require, and as I found some of the articles were probably not so expensive taken in this way as they might have at this time proved to Government if sent from England, I judged it right to direct the Commissary to purchase one hundred tierces of beef, the same number of pork, ten tons of iron, and a few smaller articles, all which will be particularly specified and accounted for in the Com-

Purchasing stores.

* The Grand Turk, from Boston. She arrived 23rd August, 1796.

1796 missary's vouchers and accounts. The beef and pork, my Lord, I
 2 Sept have taken to prevent as long as possible the shortening the ration
 of that article, because I have already seen the consequence of
 such necessity has generally been the destruction of our live stock,
 which it is my wish to preserve and encourage the care of for some
 time longer, when it will not then be so injurious to the prosperity
 of the colony as it would be whilst it is yet but scarce. I have, &c.,
 JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

5 Sept.
 Mutiny on
 the Marquis
 Cornwallis.

My Lord, Sydney, New South Wales, 5th Sept., 1796.
 Having mention'd in my letter No. 8* that upon the arrival
 of the ship Marquis Cornwallis in this port with convicts from
 Ireland and a few recruits for the New South Wales Corps, I had
 receiv'd information that a daring and dangerous insurrection had
 been plan'd on board, her during her voyage for the purpose of
 getting possession of the ship and murdering the officers, upon
 the application of Mr. Michael Hogan, her commander, I instituted
 such enquiry as it was in my power to direct before the departure
 of the ship from hence, and the enclos'd papers are the result of
 that examination.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

JUDGE-ADVOCATE COLLINS AND MR. W. BALMAIN TO GOVERNOR
 HUNTER.

The
 captain's
 action
 justified.

Sir, Sydney, 30th April, 1796.
 We beg leave to lay before you the accompanying deposi-
 tions and papers, from a careful examination of which we have
 no difficulty in saying that we think Mr. Hogan, situated as he
 found himself, with a dangerous conspiracy in his ship on the
 point of breaking out, and headed by some of the most daring and
 desperate offenders that the jails of Ireland could produce, could
 scarcely have acted otherwise than he did, and we are of opinion
 that nothing but the steps he took ensured the safety of the ship,
 and the preservation of the lives of all on board.

It does not appear to us that there was any improper inter-
 ference with the military guard on board on the part of Mr.
 Hogan.

We have, &c.,

DAVID COLLINS.

W. BALMAIN.

[Enclosure.]

CONSPIRACY TO SEIZE THE MARQUIS CORNWALLIS.

21st March, 1796.

Cumberland, } At a meeting of two of his Majesty's Justices of
 to wit. } the Peace.

Evidence
 concerning
 the mutiny.

Present:—The Judge-Advocate and William Balmain, Esq.
 LAWRENCE Gaffney, private in the New South Wales Corps,
 came before them and made oath that he came out in the ship

* Ante, p. 32.

Marquis Cornwallis from Ireland to this country, commanded by Capt. Hogan; that there was on board the said ship two officers of the said corps, Ensign Brabyn and Ensign Moore. That after he had been put into confinement he heard that there had been a conspiracy to take the ship—he had not heard of it before. That he was confined upon the poop during six days, but cannot say by whose order, whether his own officers' or the captain's. His own officers were present. He was confined in irons, but was not acquainted with the cause. That orders were given to some midshipmen who had the charge of him to cut him down if he attempted to speak. That he was brought down from the poop at the time the serjeant was undergoing his punishment—he supposes for the purpose of hearing what the serjeant might say of him. That on the serjeant's frequently saying he had nothing against him, Capt. Hogan told him he supposed he was a Freemason. That one of the convicts laid some accusation against him, but he knows not what, as he was upon the poop at the time. That the serjeant, after being punished, was ordered forward to have his hair cut off and to be ironed. That the carpenter asking Capt. Hogan if the serjeant should be ironed alone, Capt. Hogan told him no, he had a comrade for him, and ordered him forward to have his head shaved and to be ironed to the serjeant, which was done. He being handcuffed, thumbscrewed, and leg-bolted to him, they were sent down into the prison amongst the convicts, where he remained ironed in this manner to the serjeant until he died, which was in nine days. That on his death Capt. Hogan himself ordered him to be ironed to one of the convicts, in which situation he remained from the month of September until the month of February last, when he was released. That he received no other than the ration of provisions which was served to the convicts. That he understood from them the ration allowed by Government was not issued to them as it ought to have been. That he is certain he never gave any cause for the treatment he received, nor was he ever acquainted with the cause either by his officers or by Capt. Hogan. He was told by several of the convicts that the prisoner who had accused him was a man who had taken several men's lives away in Ireland. That he attributes all his miseries and sufferings to the said Capt. Hogan. That he has nothing to say against his own officers. That during the time he was in irons he had the scurvy very bad in his legs, and applied to have his irons taken off, but was refused by Captain Hogan, who released some of the prisoners, but continued him in irons until they eat an hole in one of his legs. That on Christmas Day last he protested his innocence to the capt., who told him to get ready his evidence to prove it when he arrived at New South Wales.

James Martin, private in the New South Wales Corps, made oath, that the serjeant and Lawrence Gaffney were ironed together,

1796

5 Sept.

A private
confined in
irons.His account
of treatment
received.Handcuffed
to another
soldier.He professes
his
innocence.Complaints
of Captain
Hogan's
treatment.James
Martin.

1796
5 Sept.
Punished
and sent
below.

but he does not know by whose order. That he was punished after the serjeant had received his punishment; both punishments were ordered by Ensign Brabyn. Gaffney was not punished; he knows that he was ironed to the serjeant and sent below, but cannot say by whose order. He was sent below himself after he had been punished; that the captain and Mr. Brabyn came forward in the evening to the forecastle and ordered him and a soldier of the name of Bullock down into the prison; that the cause of his being punished was having said to the other soldiers that they were to blame, or foolish, to do any other duty on board than that of the King's—to guard the prisoners on board. That he knows of no ill-usage received by Gaffney while on board the ship at the instigation of Captain Hogan or his officers, except that of being ironed to the serjeant and sent below. That he was punished twice while on board—the first time for the cause already stated; the second time happened in consequence of Capt. Hogan's having said something injurious of one of his officers. He communicated it to Mr. Moore, who, the next morning, told Capt. Hogan of it, on which Capt. Hogan denied his ever saying anything injurious of the officer, and ordered him to be punished by the boatswain of the ship, telling him he would shew him the difference between a sailor's and a soldier's hand. He received two dozen lashes. His officers were present, who did not object; he heard no remarks from them. He begged not to be punished, but to be confined until he arrived here, but his request was not complied with. That he lived a month on the convicts' ration. That he remembers Capt. Hogan's promising to interest himself about getting their accounts settled before they sailed, declaring he would not go to sea until they were settled. He believes that they were settled in consequence of that interference. That they were victualled, from his embarkation to the time of their leaving Cork, the same as the seamen—fresh mutton, bread, &c. That at the Cape they were victualled with fresh mutton and bread. That they had 6lb. of bread between four men every day in the week.

Flogged by
order of the
captain.

The ration.

William
Kellow

accused of
conspiracy.

William Kellow, private in the New South Wales Corps, deposed on oath, that the serjeant, Gaffney, and Martin, were one morning during the voyage confined upon the poop, where he remained a few days. That he was brought down from thence on being accused of having been concerned with the prisoners in a conspiracy to take the ship. That the serjeant and Martin being punished, Gaffney was questioned. That he denied knowing anything of the business, after which he was ordered forward to have his head shaved and to be ironed. That he thinks Mr. Brabyn gave the order. That three days before the serjeant died he happened to be in the prison, and saw at that time the serjeant ironed to Gaffney; that when the serjeant was dead he saw Gaffney separated from him. That he believes a conspiracy existed to take the ship. That

it was carried on amongst the convicts on board, whom he has heard say that the serjeant was the only soldier who knew anything of it. That he afterward observed the serjeant talking to the convicts more than became a non-commissioned officer, but he never saw Gaffney talking to them. That he has heard Gaffney complain of the scurvy. That he has nothing to complain of in regard to Capt. Hogan, whom he never saw behave ill to the detachment; that Capt. Hogan, in general, always consulted the officers of the corps in whatever he did respecting the detachment. He once flogged a soldier, by his own order, for striking a boy with a bayonet; the officers were present. That Capt. Hogan once ordered him to be punished for not doing his duty when centinel over the prisoners at a time when a razor was stolen.

1796

5 Sept.

Existence of
a conspiracy.Speaks well
of the
captain.

Samuel Baxter, George Harley, Noah Trump, Charles Stutt, and Brian O'Donnell, privates, being sworn, deposed that they did not receive their whole allowance of butter and cheese. That they had several fresh meals while at sea. That Capt. Hogan ordered tea and sugar for several who were sick.

Evidence of
other
soldiers.

Samuel Baxter particularly deposed that he had heard Capt. Hogan order the serjeant from the poop, and order him to be tied up. Does not recollect who ordered him to be punished. That when it was over the serjeant was sent forward, and his head was shaved by this deponent. That he heard there was a conspiracy to take the ship, and he believed there was such a conspiracy. That the convicts who came out in the Cornwallis were a desperate set of villains. That he remembers during the time the serjeant was undergoing his punishment he applied to Captain Hogan for mercy, and was answered: "It is not I who punish you, but your officers. When you come to Botany Bay you may apply to me for mercy." That at the time Martin was punished the soldiers in general declared with one voice that he was too bad a character to associate with, and they all voted for his being sent below.

The
sergeant
punished.A soldier
ostracised.

Bryan O'Donnell particularly deposed that Martin instigated him to refuse being planted centinel while at Cork, which was the occasion of his being tried by a General Court-martial and sentenced 800 lashes, 150 of which he received.

John Brabyn, ensign of the New South Wales Corps, deposed, upon oath, that he came out in the Marquis Cornwallis from Ireland, having the command of the detachment of the New South Wales Corps on board, consisting of 2 ensigns, 1 serjeant, 1 corporal, and 26 privates. That somewhere about the Cape de Verd Islands there was a report of a conspiracy on board to take the ship. It was first said to exist amongst the prisoners, male and female convicts from Ireland, 230 or thereabouts. That on his being called into the cabin by Capt. Hogan, in the presence of Mr. W. Roberts, a midshipman, to hear the information of

Ensign
Brabyn.The
conspiracy.

- 1796 Patrick Hughes (a convict), he was then told by Hughes that the
 5 Sept. serjeant was at the head of a gang of desperate offenders who
 were to take the ship. That he was the more readily inclined
 to believe this from the former conduct of the serjeant. The
 serjeant received from him while laying at the Cove of Cork four
 clasped knives. That after they had sailed a month he applied to
 him, and said he had lost his knives, and, as gnawing his meat
 like a dog was what he had not been used to, he asked him
 for two more knives, which he gave him. That evening Capt.
 Hogan received information that the serjeant was to send down
 amongst the prisoners six knives, for which he had received money.
 That on this report he thought it necessary to have an inspection
 to see what knives were amongst the serjeant and men. That on
 the serjeant he found the six clasped knives; he had also spiked
 up the touch-holes of six firelocks; he had also stolen some sheets.
 These circumstances induced him to credit Hughes's information,
 on which account, on consulting with Captain Hogan, the officers,
 seamen, &c., in the ship, he was ordered into confinement.
- Supplying
 the convicts
 with knives. That Lawrence Gaffney received no ill-treatment while on
 board the ship. As to his being confined and chained to the
 serjeant while he died, he cannot say that he was positively, but
 he thinks he was not; that he was brought upon deck to be
 dressed, and does not recollect seeing Gaffney with him. That
 having been sent for by Gaffney while in prison, he told him who
 his enemy was. That he had accused him of speaking to the
 convicts at the hatchway. That he might be innocent, which
 would appear hereafter. That he is positive the soldiers were never
 wronged out of their allowance, neither were the prisoners. That
 as to the last punishment of Jas. Martin, it was done by consult-
 ing with him and the other officer, and not at all the particular
 order of Capt. Hogan; and that no soldier was ever punished but
 with the advice and knowledge of himself and the other officer.
- The
 serjeant
 confined. The information given against Gaffney stated that he was hold-
 ing communication with the convicts in council with the serjeant,
 and was to supply them with knives, and to assist them in getting
 on deck. At the inspection he did not find any knives upon him.
 He was confined on the information of Nich. Coghlin and another
 convict.
- Treatment
 of Lawrence
 Gaffney That nothing but the steps they took could have saved the ship,
 and to which they were impelled by necessity, their situation being
 so desperate as to require desperate remedies.
- and of
 James
 Martin. That he never saw Capt. Hogan ill-treat or use with any degree
 of cruelty any of the soldiers of the ship. The soldiers never
 complained to him of anything but of being obliged to watch.
 This consisted only in now and then pulling a rope, or getting up
 their own water, &c.
- Communi-
 cating with
 convicts. The captain
 exonerated.

William Moore, ensign in the New South Wales Corps, deposed, upon oath, that he came into this country in the Marquis Cornwallis, transport. That at the time the ship was nearly crossing the Line he heard of a conspiracy amongst the convicts and soldiers to take the ship. He heard that the serjeant of the party was to furnish the convicts with arms and knives, the latter to saw off their irons. The convicts were to be let upon deck by the serjeant, who was to prevent the guard from firing upon them. That six knives were found in his knapsack on inspecting it, altho' the evening before he had applied to Ensign Brabyn for two knives, stating that he had none. That on this information the people of the ship were assembled and made acquainted with it. Several circumstances came out against the serjeant which corroborated the information of his being at the head of the conspiracy. That it appeared he had spiked the touch-holes of six muskets. That two pistols belonging to an officer on board, being sent to him to clean, he disabled them both. That in consequence of the various informations which was received, the officers of the army (Ensign Brabyn and himself), the officers of the ship, and the ship's company, came to the unanimous resolution of punishing all those who were proved to be concerned in the conspiracy with the utmost severity. That this resolution was put in execution, and upwards of fifty convicts were punished in consequence of it, by order of the commander of the ship. That the serjeant was punished by order of his own officers. That the safety of the ship is to be attributed wholly to these measures, the convicts in general on board the said ship being of the very worst description, and the refuse and sweepings of the Irish jails. That it was the general opinion on board that if these steps had not been taken the ship would not have been brought in safety to this port. He never heard of any ill-treatment which was given by Capt. Hogan to the prisoners on board that cou'd induce them to form this conspiracy. That he never saw on board of any ill-treatment shewn by Capt. Hogan to the soldiers. That he is of opinion there were sufficient reasons to justify the confinement of Lawrence Gaffney. That most of the soldiers were of opinion that Gaffney was not fit to do duty in the ship from the connexion which subsisted between him and the convicts.

Hugh Reid, first officer on board the ship Marquis Cornwallis, deposed, upon oath, that there was embarked at Cork, in the kingdom of Ireland, 163 male and 70 female convicts on board the said ship. That several of the male convicts were known by the name of Defenders, and the whole were of the very worst description. That on the morning of the 15th September last he received a caution from the captain to keep a watchful eye over the convicts and the soldiers, as he had just received information from some of the former of a conspiracy to take the ship. This

1796

5 Ser't.

Ensign
Moore.Evidence
of a
conspiracy.The
serjeant
implicatedFifty
convicts
punished.Severity
necessary to
prevent
mutiny.163 male,
70 female,
convicts on
board.

1796	information was shortly after produced to the ship's company. It respected the serjeant of the detachment as well as several of the convicts, and was strongly corroborated by several concurring circumstances. It was therefore agreed unanimously, by all the free persons on board, that the ringleaders should be punished with severity, which was put in execution. That during the punishment information came out against Lawrence Gaffney, who was in consequence ordered into confinement. That had not these steps been taken the ship could never have been secure, as it evidently appeared the convicts, headed by the serjeant, had bound themselves by oath to murder the captain and principal officers. That the convicts were treated on board before this conspiracy with great humanity, and the soldiers with great attention, altho' they at times behaved with much impropriety. That, in his opinion, there were sufficient reasons for confining the corporal—he had been twice pitched upon personally by one of the convicts as a man who had had communication with them respecting the conspiracy. The ration of provisions which had been directed by authority was always regularly served out, more rather than less having been issued. That when the detachment came on board the ship, at Portsmouth, the officer who escorted them from Chatham Barracks informed him they had been excessively mutinous and troublesome to him on the march; that the serjeant had been the most so, and set a very bad example to some of the young soldiers; one man he recommended to have confined in double irons.
5 Sept. Evidence against the sergeant.	
Treatment of convicts and soldiers.	
Mutinous soldiers.	
Midshipman Roberts.	William Roberts, a midshipman on board the ship <i>Marquis Cornwallis</i> , deposed, upon oath, that several informations of a conspiracy being given to Captain Hogan, he found that the serjeant of the detachment was principally concerned, which was proved by various circumstances. He was accordingly confined in irons on the poop, and the convicts were brought on deck to be punished. That about fifty of them being punished, the commanding officer of the soldiers ordered the punishment of the serjeant, who was afterwards ordered by the general voice down below in the prison amongst the convicts, as it was not safe to have him on deck amongst the soldiers. That on being taken down he heard the convicts unanimously execrate the serjeant as the author of all their misfortunes, and requesting that he might be sent forward in the bow of the ship out of their sight. That information was given against Lawrence Gaffney by a man who did not know his name, but who twice pointed him out as he passed him. That he has no reasons to suppose that any ill-treatment was shown by Captain Hogan to any of the soldiers or prisoners on board. That had not these punishments taken place the ship would not have been safe.
Punishing conspirators.	
Matthew Austin.	Matthew Austin, superintending surgeon on the part of Government to the soldiers and convicts on board the ship <i>Cornwallis</i> ,

deposed, upon oath, that he is of opinion firmly that a conspiracy existed on board the said ship to get possession of her, and take her to South America. That Capt. Hogan received the first information on the 9th of September, which he kept secret until he could get clear and satisfactory proof. That on the 15th following he produced his information, when it was unanimously resolved that all the conspirators should be severely punished. This resolution was taken by all the free people in the ship, and put in execution, between forty and fifty being punished. That some of the women were concerned in the conspiracy, their part being to convey knives to the men, and to put pounded glass into the messes of the ship's company. That he approved highly of the steps which were taken when the conspiracy was known, and attributes his own existence at present to those measures. He is of opinion that no wanton cruelty whatsoever was exercised on any person on board.

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5 Sept.

Female
convicts in
league with
conspira-
tors.

John Hogan, surgeon of the ship Marquis Cornwallis, deposed, upon oath, that he is of opinion there existed a conspiracy on board to take the said ship on her voyage to this country. That it was told him the convicts immediately on their being embarked bound themselves by oath to be true to their own principles. That on the 15th this conspiracy was discovered and laid before the ship's company and officers by Captain Hogan. That they all came to the unanimous resolution of punishing the conspirators with as much severity as possible, by flogging them on their bare backs with cat-o'-nine-tails; that this resolution was entered into to save their own lives and the ship. This resolution was accordingly executed. The convicts on board were of such a description of people that no other measure short of putting them all to death could have saved the ship. That ever after their punishment those who had been punished endeavoured to strangle in the night those who had given information. That Capt. Hogan was compelled to fire amongst them to suppress their mutiny. That he heard Capt. Hogan declare to Ensign Brabyn that he left any steps regarding the serjeant to be taken by him, as he meant to try him for piracy on the arrival of the ship in New South Wales. That he never understood from either convict or soldier that they had any ill-treatment to complain of from them. He has frequently heard the convicts say that Capt. Hogan's kindness to them was to coax them to Botany Bay, as he knew they were too powerful. That there being reason to suppose the boatswain mate had been concerned with the convicts, he was turned out of the ship at St. Helena. That one of the soldiers of the detachment was tried by a General Court-martial on board the ship for neglect of duty, tho' his offence was for damning the King and saying he would not serve his Majesty. That after the Court-martial was over one of the

Surgeon
Hogan's
evidence.

Flogging
conspira-
tors.

The
sergeant.

The
boatswain's
mate.

1796 soldiers who was centinel quitted his post and went up to the
5 Sept. President. These circumstances are mentioned to shew the
irregular state of the detachment.

DAVID COLLINS, Judge-Advocate.

W. BALMAIN.

[Enclosure.]

STATEMENT BY CAPTAIN HOGAN.

Ship Marquis Cornwallis, at sea, 10th Sept., 1795.

Convict
informers.

At 6 p.m. I received a note from Wm. Mouton and Francis Royal, two convicts, desiring to speak to me in private, and at 8 this morning, having brought them into my cabin, they informed me, in the presence of Mr. Richardson, that a conspiracy was formed by the convicts and soldiers to get possession of the arms and the ship, and that I was the first person to be put to death, and that Sergt. Ellis and a few of the soldiers were at the head of this plot. They also informed me that the sergt. was to furnish

Knives to be
furnished by
the sergeant.

the convicts with knives for the purpose of making saws to cut off their irons, and that the convicts were to send the sergt. money to purchase the knives, and that they and he corresponded regularly, and the notes which passed between them (after being read) were thrown overboard, and at daylight some morning they were to rush on deck in a body when the boys were let up to clear the buckets. This, of course, gave me some concern and additional caution, and induced me to request Ensign Brabyn (the commanding officer of the troops) to fall his men in and muster their kitts, and on examining the sergeant's first we found six knives upon him, all new and large but one. Last night he went to Ensign Brabyn and got two knives from him, saying he had not one to cut his victuals, but to our great surprize we found him possessed of six, for (I am sure) the worst of purposes.

Examining
the soldiers.

On the
alert.

After considering seriously of this information, and finding the knives with the sergt., whose principles I long doubted, I cautioned the officers and petty officers, with some confidential seamen, against any sudden surprize or attack from forward, and kept a strict eye myself to the conduct of the soldiers. On the 12th, at 8 p.m., the gunner came to me in my cabin, and informed me that last night between half-past 10 and 11 o'clock, being in the lee waist, he heard the sergeant make use of mutinous and inflammatory

Soldiers and
convicts.

language to the soldiers, addressing himself mostly to the centinels on the fore hatchway (the prison door). He compared the situation of the soldiers to the convicts, saying they were worse off, for that some of the convicts were transported only for seven years, and that they were for life, and that they were damned fools to be sold. On this I appointed a seaman to stand at the fore hatchway as centinel (with two soldiers), with strict and

positive orders to do that very necessary duty. I also laid similar injunctions on the fore-castle officer, and gave the seamen forward an idea that something wrong was going on, being convinced of the duty I saw they owed their king and country from the cheerful manner in which they obeyed every order. Nothing further transpired till the 13th inst., when Patt. Hines, a convict (a man who I had a good character of, and had reason to form a good opinion of from his general conduct since he came on board), gave additional and very substantial information of a conspiracy forming between the convicts and sergt., and said he was ready to prove the whole that day; but as I was desirous of the clearest and fullest information on this business, and of having the ring-leaders pointed out, I ordered him into the prison for a few days to collect, if possible, more than he had already known, by pretending to be hearty in their desperate cause.

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5 Sept.

Seamen on guard.

A convict informs.

On the 15th, at 10 a.m., I sent for Ensign Jno. Brabyn, the commanding officer of the troops, and Mr. Wm. Roberts, an officer of the ship, into my cabin, and ordered Hines to be brought aft to me from the prison, that he might give his information in the presence of these two gentlemen relative to the conspiracy, which he before said was forming between the convicts and sergeant, with an intention of getting possession of the ship, and putting me, the greatest part of the officers, and crew to death, or such part as would resist their desperation, which, I am sure, would be the whole, and afterwards conduct the ship to America, in which country they were to dispose of her as they should determine by a majority of voices.

A meeting of officers.

R. DUNDAS* TO THE DUKE OF PORTLAND. •

My Lord Duke, Edinburgh, 5th September, 1796.

In obedience to your Grace's letter of the 9th of August last, transmitting to me, by his Majesty's command, copies of a letter from Governor Hunter, and a memorial from Thomas Muir, Thomas Fishe Palmer, and William Skirving, dated Sydney, New South Wales, 25th of October, 1795,† and desiring me to report my opinion "whether under the several sentences passed against them Governor Hunter is not authorised to detain these prisoners in the settlement of New South Wales, for and during the period for which they are separately adjudged by their sentences," I beg leave humbly to report that Governor Hunter, in my opinion, is not only authorised so to detain them, but that he is guilty of a breach of duty if he permits them to leave that settlement during the periods of their respective sentences. The sentence

Memorial of the Scotch Martyrs. ✓

Legality of their detention.

* Robert Dundas, Lord Advocate of Scotland, and nephew of the Right Hon. Henry Dundas (Lord Melville).

† Hunter's letter to the Duke of Portland, and the memorial from Muir, Palmer, and Skirving, will be found in Vol. II, at pp. 382-385.

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of transportation bears "to such place as his Majesty, with the advice of his Privy Council, shall direct and appoint, and that for the space of fourteen years from this date." It is therefore impossible to doubt that it is not the mere conveyance of their persons to a place which has already been done, and which these convicts erroneously maintain to be all that is necessary to be done; but it is transportation to such place for a stated period, which alone fulfills the sentence and executes the judgement of the law pronounced against them.

The law in regard to escaped convicts.

It is true that if they were to escape from New South Wales and go into a foreign country, they could not, whilst they remained in such foreign country, be removed and brought back to the place of transportation; but if they were found either on board a ship or in any of his Majesty's dominions other than Great Britain and Ireland, I apprehend it would be the duty of every magistrate, officer, and subject, to seize, detain, and restore them to the settlement from whence they had escaped, and to which they have for a certain period been legally transported. Equally, as in the event of their escaping and returning into Great Britain or Ireland, they would be liable not only to be seized, but to the infliction of a capital punishment.

Assignment not essential.

It makes no difference, as Governor Hunter seems to suppose, that the service of these convicts has not been assigned by their sentences during the respective periods of their transportation. There are innumerable instances of the same kind, and there must be convicts at present undergoing their sentences in New South Wales who are precisely in the same situation.

Powers of the Court of Justiciary.

The Court of Justiciary has full power to adjudge the service or not, as the nature of the offence seems to merit. Many instances have occurred of transporting an offender from this country for life, and adjudging his service for three, five, or seven years, seldom (I believe never) beyond that period, or of transporting them for seven or fourteen years, either dropping, as in the present instances, the adjudication of servitude altogether, or limiting it, as above, to a portion of the term of transportation.

Interpretation of the sentence.

The Court in the present and in other cases have considered it improper to superadd the punishment of adjudication of their services, either for the whole or any part of the period of transportation, but did not, therefore, limit the sentence to the mere conveyance of their persons to that settlement, with liberty to leave it the next moment. The sentence explicitly states the reverse—that they are to be transported where his Majesty pleases to appoint, and that for a fixed and precise period. It is the duty of Governor Hunter and those to whom his Majesty has been pleased to entrust the charge and command of that settlement to do his best in detaining in that settlement every convict during the respective period of transportation, just as it is the duty of

every officer who may find them out of that settlement in a place subject to his Majesty's power to restore them to the settlement from whence they may have escaped. 1796
5 Sept.

By the Act 25th of his Majesty, cap. 46, under the authority of which these men are transported, it is made lawful to transfer convicts to persons willing to contract for the due performance of such transportation for such and the same term of years for which any such offender shall have been ordered to be transported; and it would have been unquestionably not only competent, but necessary, for such contractor to have detained them in such place for the specific period, otherwise the conditions of his contract would have been forfeited. 25 Geo.
III, c. 46.

The only difference between that case and those of the whole convicts now in New South Wales whose services have not been adjudged is, that the last have been conveyed there at the public expence, and by officers appointed by his Majesty, who, though not entitled whilst the convicts behave properly to deprive them of their liberty within the settlement, are bound to take care that they do not leave it until the period of transportation is fulfilled. Legal
position of a
convict.

As to the idea thrown out by Governor Hunter of the possibility of those persons coming to and fixing their residence in Ireland, I beg leave to refer your Grace to sec. 3rd of the above-mentioned statute, which puts returning to Ireland precisely in the same predicament with returning to Great Britain; but on this topic it is unnecessary to enter, because I have no doubt of its being the duty of the Governor and every officer in New South Wales to prevent every convict from leaving or escaping from that settlement during the period of and in terms of their respective sentences. 25 Geo. III,
c. 46, s. 3.

It is impossible, exclusive of the obvious fallacy of the plea maintained by these convicts, which if good to them is equally so to every other convict whose servitude has not been thought fit to be adjudged, not to direct your Grace's attention to the manner in which they have endeavoured in their memorial to Governor Hunter to give a colour to that plea by a false and mutilated statement of their respective sentences.

In that memorial their words are:—"Our respective sentences are expressed in the following terms: To be transported beyond seas to such place as his Majesty, with the advice of his Privy Council, shall declare and appoint, with certification if after being so transported he shall return to and be found at large within any part of Great Britain without some lawful cause, and be thereby lawfully convicted, he shall suffer death, as in cases of felony, without benefit of clergy, by the law of England." Sentence on
Scotch
Martyrs as
quoted by
them.

But in the middle of what they have so given as a quotation of their sentence they have (conscious it would seem of its true import) studiously and purposely omitted the most material part, namely, the following, which in the sentence immediately precedes An
important
omission.

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Construc-
tion of the
sentence.

The Lord
Justice-
Clerk.

The counsel
for the
Crown.

Interpre-
tation of the
law.

the words "with certification," viz't, "and that for the space of fourteen years from this date,"* attempting thereby to keep out of view what is as much part of the sentence, and necessary to be fulfilled, as the actual conveyance of their persons to New South Wales, which these unfortunate persons contend to amount to a complete execution of it. If the sentence, therefore, in its sound construction warranted the conveyance of their persons to New South Wales, it equally warrants the restraining of and confining their persons to that settlement during their respective periods of transportation, and, in the event of their escaping from it, bringing them back to and replacing them in it wherever they can be found, and wherever the power of seizing them exists.

Upon the reference made in the memorial of these convicts to what is said to have been uttered by the Lord Justice-Clerk and the council for the Crown on the trial of Gerrald, your Grace does not call upon me to advert; yet I consider it my duty, in justice to the high and distinguished character of that able and experienced Judge, to observe that if what a Peer in Parliament who was not present upon that trial states upon information (the nature of which is unexplained) to have been the words of the President of the Court of Justiciary can be considered as authentic or accurate, that information must have been peculiarly unfortunate in these respects upon the present occasion, his Lordship, to whom I felt it proper to communicate these convicts' memorial, having authorised me in the most explicit and unqualified terms to deny the words that have been unjustly imputed to him. As to what the junior council for the Crown (Mr. Montgomery) is stated by a shorthand-writer employed by the persons convicted to have said in argument upon the trial of Gerrald, it is not likely that he should even inadvertently have so expressed himself, more especially when alluding to a passage from Sir George M'Kenzie, which in no degree justifies the inference that council is reported to have drawn from it. It is true what Sir George M'Kenzie states, that in Scotland "no Judge can confine a man whom he banisheth to any place without his jurisdiction, because he hath no jurisdiction over other countries, and so cannot make any Acts nor pronounce any sentences relative to them," nor has the Court of Justiciary any authority or power to confine a single convict to the settlement of New South Wales, though it most unquestionably has the power to pronounce that sentence which gives occasion to their being transported legally from Scotland to that settlement by those to whom his Majesty entrusts the execution of the law, and the controul of that settlement to which they are so transported. The sentence of the Court does no more than lawfully put the convict within the realm of Scotland into the hands of the officer or contractor legally authorised by the Crown to receive him, and who was bound in the conveyance of such convict to the place of

transportation, and in the custody of his person there, to deal with him as the sentence directs, and as the duty of his office commands. But this he does, not by authority of the Court of Justiciary, but under that of his Majesty, from whom his power flows, and who is authorised to execute the judgements of the law.

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5 Sept.

The Court of Justiciary have lawfully put Muir, Palmer, and Skirling into the hands of the King and Privy Council, to be sent for a period, one of them of seven and the other two of fourteen years each, somewhere beyond seas, in terms of the Act of Parliament on which their sentences are founded ; and his Majesty has lawfully, with advice of his Privy Council, declared and appointed

Functions of Court and of the Crown.

"the place to which the said several offenders shall be conveyed and transported for the time or terms in their several and respective sentences mentioned to be the eastern coast of New South Wales." Were these or any other convicts to escape from that settlement either into England or Ireland, even there the authority and jurisdiction of the Court of Justiciary could not reach them, which, provided they did not show their faces within Scotland, has neither the right nor the power at Common Law to meddle with them. But it would be the duty of every officer, civil or military, and of every one of his Majesty's subjects, to seize, detain, and transmit them to Scotland, where the punishment of death would be inflicted upon them by the Court, in terms of the 3rd sec. of the Act 25th of his Majesty, cap. 46, which declares a return to any part of Great Britain or Ireland attended with the same consequences which at Common Law, by force of the sentence and authority of the Court of Justiciary, alone would follow the return of a Scotch convict into Scotland.

The law regarding escapees.

I have, &c.,

R. DUNDAS.

GOVERNMENT AND GENERAL ORDER.

13th September, 1796.

13 Sept.

Parole—Kent.

Countersign—Maidstone.

THE commanding officer of the New South Wales Corps will direct the detachment ordered on the 18th of last month to be in readiness for Norfolk Island to embark on Friday next, the 16th instant, on board his Majesty's ships Reliance and Supply.

Guard for Norfolk Island.

His Excellency having been pleased to appoint Mr. Thomas Smyth to be Provost-Marshal of this territory, in the room of Mr. Henry Brewer, deceased, by warrant bearing date the 9th day of July last, William Stephenson is appointed storekeeper at this place in his room from this date.

The Provost-Marshal.

Mr. Thos. Moore is appointed to the place of master boat-builder, in the room of Mr. Daniel Paine, commencing on the 2nd instant.

The boat-builder.

And Mr. George Barrington is appointed superintendent of convicts, in the room of Mr. Thomas Clark, returning to England, commencing on the 17th instant.

George Barrington.

JNO. HUNTER.

1796
Sept.
Hospital
returns.

GENERAL State of the Sick at Sydney, at Parramatta, Toongabbee, and the Hawkesbury.

Month.	Civil and Free People.			Deaths.			Civil and Free People.		
	N.S.W. Corps in Hospital.			Births.			Deaths.		
	Convicts in Hospital and Quarters.			Civil and Free People.			Deaths.		
	Males.	Females.	Children.	Males.	Females.	Children.	Males.	Females.	Children.
September, 1795	3	7	4	1	1	1	1	1	1
October "	1	1	3	1	1	3	1	1	2
November "	3	2	8	3	1	1	3	1	2
December "	2	12	3	1	2	1	2	1	1
January, 1796	3	9	3	1	3	1	1	1	1
February "	1	58	9	1	2	1	3	1	1
March "	1	52	6	1	1	1	3	1	1
April "	1	50	5	1	1	1	3	1	1
May "	1	48	7	1	1	1	4	1	1
June "	1	40	6	1	2	1	1	1	1
July "	1	38	6	1	3	1	5	1	1
August "	1	34	9	1	2	1	2	1	1

GENERAL State of the Sick at Sydney, at Parramatta, Toongabbee, and the Hawkesbury—continued.

VITAL STATISTICS.

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Month.	N.S.W. Corps in Hospital.				Convicts in Hospital and Quarters.				Births.				Deaths.							
	Officers.	Soldiers.	Women.	Children.	Males.	Females.	Children.	Males.	Females.	Civil and Free People.	N.S.W. Corps.	Convicts.	Men.	Women.	Children.	Officers.	Soldiers.	Women.	Children.	Convicts.
September, 1795	16	9	3	..	..	..	..	..	1	..	..	..	..	..	..	..
October "	1	1	23	8	..	..	..	..	..	..	..	..	..	..	..	..	..	..
November "	30	10	2	..	..	..	..	..	..	..	..	..	..	..	..	..
December "	26	15	3	..	..	..	..	..	..	..	..	..	..	..	..	..
January, 1796	33	14	2	..	..	..	..	..	..	..	..	..	..	..	..	..
February "	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
March "	3	1	40	5	3	..	..	..	..	..	..	..	..	..	..	..	..	..
April "	1	..	33	8	..	..	..	..	..	..	..	..	..	..	..	..	..	..
May "	1	..	30	8	3	..	..	..	..	..	..	..	..	..	..	..	..	..
June "	1	..	30	9	5	..	..	..	..	..	..	..	..	..	..	..	..	..
July "	3	2	33	10	4	1	..	..	..	..	..	..	..	..	..	..	..	..
August "	3	2	32	10	5	..	..	..	..	..	..	..	..	..	..	..	..	..

General Hospital, Sydney, Sept. 7th, 1796.

W. BALMAIN, acting as Chief Surgeon to the Territory.

1796
Sept.

Hospital returns.

1796

MUTINY ON THE BOUNTY.*

13 Sept.
Christian,
Bounty
mutineer.

CHRISTIAN, chief mutineer on board his Majesty's ship *Bounty*.— This extraordinary nautical character has at length transmitted to England an account of his conduct in his mutiny on board the *Bounty*, and a detail also of his subsequent proceedings, after he obtained command of the ship, in which, after visiting Juan Fernandez and various islands in South America, he was shipwrecked in rescuing Don Henriques, Major-General of the Kingdom of Chili, from a similar disaster; an event which, after many perilous circumstances, led to his present lucrative establishment under the Spanish Government in South America, for which he was about to sail when the last accounts were received from him.

Motive for
mutiny.
Exonerates
Bligh.

In his voyage, &c., which he has lately published at Cadiz, we are candidly told by this enterprising mutineer that the revolt which he headed on board his Majesty's ship *Bounty* was not ascribable to any dislike of their commander, Captain Bligh, but to the unconquerable passion which he and the major part of the ship's crew entertained for the enjoyments which Otaheite still held out to their voluptuous imaginations. "It is but justice," says he, "that I should acquit Captain Bligh, in the most unequivocal manner, of having contributed in the smallest degree to the promotion of our conspiracy by any harsh or ungentlemanlike conduct on his part; so far from it, that few officers in the service, I am persuaded, can, in this respect, be found superior to him, or produce stronger claims upon the gratitude and attachment of the men whom they are appointed to command. Our mutiny is wholly to be ascribed to the strong predilection we had contracted for living at Otaheite, where, exclusive of the happy disposition of the inhabitants, the mildness of the climate, and the fertility of the soil, we had formed certain tender connexions, which banished the remembrance of Old England entirely from our breasts!"

A South Sea
Elysium.

After describing the seizure and securing of Captain Bligh's person in his cabin, Christian thus concludes his account of this brutal revolt:—

Captain
Bligh's
fortitude.

"During the whole of this transaction Captain Bligh exerted himself to the utmost to reduce the people to a sense of their duty, by haranguing and expostulating with them, which caused me to assume a degree of ferocity quite repugnant to my feelings, as I dreaded the effect which his remonstrances might produce. Hence I several times threatened him with instant death unless he desisted; but my menaces were all in vain. He continued to harangue us with so much manly eloquence that I was fain to call in the dram-bottle to my aid, which I directed to be served round to my associates. Thus heartened and encouraged, we went through the business; though, for my own part, I must acknow-

* Reprinted from the *True Briton* of 18th September, 1796.

ledge that I suffered more than words can express, from the conflict of contending passions ; but I had gone too far to recede ; so, putting the best face on the business, I ordered the boat to be cut adrift, wore ship, and shaped our course back for Otaheite !”

1796

13 Sept.

CAPTAIN MACARTHUR TO CAPTAIN PATERSON.

Sir,

Parramatta, 13th September, 1796.

It having been represented to me that his Excellency Governor Hunter intends making some representation to his Majesty's Ministers relative to my complaint against Mr. Richard Atkins, and as I have no cause to be satisfied with the manner in which my complaint has been treated, or means of knowing what justice will be done me in the intended representation, I have thought it proper to prepare a copy of every letter written on the subject. This copy I have to request you will have the goodness to convey to Lieut.-Colonel Grose, that the whole may be laid by him before the Commander-in-Chief.

As I have no motives but what will admit of the strictest investigation, I cou'd wish that his Excellency Governor Hunter may be informed of my intentions.

I have, &c.,

JOHN MCARTHUR.

CAPTAIN MACARTHUR TO LIEUTENANT-COLONEL GROSE.

Sir,

New South Wales, 13th September, 1796.

I have the honour to transmit you the copies of some letters relating to a complaint I have had occasion to make to his Excellency Governor Hunter against Mr. Richard Atkins, for insulting me in the execution of my duty, at the post where I commanded.

Forwarding
copies of
corres-
pondence.

Those papers will acquaint you with every particular on the subject that I have any certain knowledge of ; and if any representation shou'd be made by Governor Hunter (as I am informed is intended) they will enable you to satisfy the Commander-in-Chief that there has not been the smallest impropriety committed on my part.

You will observe by the copy of a Regimental Court-martial's sentence that two soldiers of your corps have been unjustly accused of robbing the Governor's garden ; and you will instantly perceive that the charge was made with no view but to stigmatize the corps and to wound the feelings of your officers.

To have expressed a proper resentment at such conduct, and to expose the man who is countenanced in so infamous a practice, I am persuaded cannot fail to receive your particular approbation.

I have, &c.,

JOHN MCARTHUR.

1796

[Enclosure.]

13 Sept.

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

Sir,

Parramatta, 18th July, 1796.

Stealing
vegetables.

I yesterday received the accompanying letter, addressed to the "Officer Commanding a Detachment of the New South Wales Corps, Parramatta"; and in consequence of the complaint it contained I ordered Lance-Corporal Townsend into confinement. I also wrote to Mr. Atkins* requesting the name of the soldier charged with stealing turnips from your garden, at the same time taking occasion to observe that his wishes in favour of the corporal were unavailing, as it was never my practice to conceal fraud or to screen offenders from punishment. In answer to this I received the letter addressed "Capt. McArthur." Your Excellency will instantly perceive that it was my indispensable duty to enquire the name of the soldier who had committed the offence stated by Mr. Atkins, and that in so doing I have been treated with insufferable insult.

Divulging
the culprit's
name.

I have not the smallest doubt but that you will see the propriety of ordering the soldier's name to be communicated to me, that if he be guilty he may be brought to punishment, and that a body of men who are perfectly innocent may not be stigmatized for the faults of an individual or two of their number. How far Mr. Atkins is amenable to rebuke for his conduct your Excellency alone is capable of deciding.

That his last letter is a gross insult to me in the execution of my duty I think cannot be disputed; and I should be wanting in justice to myself and respect to his Majesty's service if I forebore to complain or respectfully to claim redress.

I have, &c.,

JOHN MCARTHUR.

[Enclosure No. 1.]

MR. RICHARD ATKINS TO THE OFFICER COMMANDING AT
PARRAMATTA.

Sir,

17th July, 1796.

A frequent
occurrence.

I think it proper to acquaint you that the corporal of the guard was this morning, between the hours of two and four, detected stealing of turnips in the Governor's garden. This, I must say, has been too much the custom, for no later than two days ago another soldier was detected in the same business. I make no doubt, sir, but you will give such orders that will in future effectually put a stop to such practices. For myself I do not wish the man to receive any other punishment than a reprimand, but that is for your consideration.

I am, &c.,

RICHARD ATKINS.

* This letter is, unfortunately, not amongst the Records.

[Enclosure No. 2.]

1796

MR. RICHARD ATKINS TO CAPTAIN MACARTHUR.

18 Sept.

Sir,

18th July, 1796.

I do not feel myself inclined to give up the name of the soldier who was detected three days ago stealing turnips from the Governor's garden, unless called on so to do by a superior power. As the man acknowledged his offence, and promised never to be guilty of the same again, I told him I would not report him to his commanding officer, and I shall most assuredly perform my promise. It, sir, has never been my practice any more than yourself to conceal fraud or screen offenders from punishment; but I must observe, if rigid justice is the order of the day, the Lord have mercy on us all. It is further, sir, necessary for me to inform you that any letters directed to Mr. Richard Atkins will be returned unopened, as not supposing them intended for, sir,

Atkins
refuses to
divulge the
thief's name.

Your obedient servant,

R. ATKINS.

[Enclosure No. 3.]

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

Sir,

Sydney, 20th July, 1796.

I last night received your letter of the 18th, addressed upon his Majesty's service; and I have this morning written to Mr. Atkins on the subject of it and its enclosures. I am desirous of hearing from him before I give any opinion upon a matter which requires on my part some consideration. I am, &c.,

Hunter
neutral.

JOHN HUNTER.

[Enclosure No. 4.]

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

Sir,

Sydney, 23rd July, 1796.

I have this morning written to Mr. Atkins, and have directed that the name of the soldier accused of having robbed the Government garden at Parramatta be sent to you. That gentleman, after having settled it in his capacity as a civil magistrate, appears to have thought it improper to give up the man's name; but as he has improperly, in my opinion, taken notice of the crime, he has been wrong in refusing to give the name of the criminal in this particular instance.

Hunter
disagrees
with
Atkins's
action,

I must here beg leave to observe that the manner in which you address him (I mean the superscription of your letter* to him) ought not, in my opinion, to have been noticed by him, whatever he might have thought or felt upon it. If it was meant to mortify him as a gentleman, or to lessen him as a magistrate in the eye of the public, it was in either case wrong, but particularly so in

and
disapproves
of
Macarthur's
method of
addressing
Atkins.

* This letter of Captain Macarthur has, unfortunately, not been received; it was, apparently, not amongst the enclosures forwarded to Grose with Macarthur's letter of 13th September, 1796.

1796 the latter ; and I must cordially acknowledge, when we consider
13 Sept. that the title of Esquire is due to a magistrate unless his particular
profession renders it improper, it appears to me to have been
intended to have either the one or the other, or perhaps both
those effects.

I am, &c.,

JOHN HUNTER.

[Enclosure No. 5.]

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

Sir,

Parramatta, 25th July, 1796.

Macarthur's
reply.

I had the honour to receive your Excellency's letter of the
23rd instant last evening, and I confess my astonishment at the
manner in which you have been pleased to answer my complaint
against Mr. Atkins.

I complained of having received a gross and wanton insult in
the execution of my duty ; but instead of receiving redress I am
told my having omitted to bestow the title of Esquire on Mr.
Atkins was intended to wound his feelings as a gentleman, or to
lessen him in the eye of the public as a magistrate.

His opinion
of Atkins.

Surely your Excellency cannot seriously suppose that I cou'd
design to effect either of those purposes by such insignificant
means ; for is it possible that the use of a trifling appellation can
produce a change in the public opinion of a man so deeply plunged
in infamy ; or how can he be imagined to possess one feeling of
the gentleman when the enormities he is committing daily are
considered.

I have complained of Mr. Atkins because I know myself to
be injured, and I persist in my complaint because I think it
degrading to his Majesty's service that an officer bearing his
Sovereign's Commission shou'd be insulted when in the perform-
ance of his duty by a man so vile as is the person in question.

He charges
him with
misconduct,

If your Excellency shou'd see it fit to call on me for a specifica-
tion of the facts on which what I have written is founded, and to
substantiate those facts by evidence, I shall with great readiness
and pleasure come forward. Both by oral and written evidence
will I prove that Mr. Atkins is a public cheater, living in the
most boundless dissipation, without any visible means of main-
taining it than by imposture on unwary strangers whose business
leads them to this settlement.

and offers to
bring proofs.

I will prove that in his public and official capacity drunken-
ness and indecency are almost inseparable from him ; and that
no longer since than the 19th instant he was exposing himself at
an early hour of the morning in the public streets in the most
disgracing state of intoxication. I will prove that very recently
he in a fit of drunkenness wrote such a letter on business to an
officer of my corps as he has since thought it prudent to request

might be destroyed, least it shou'd reach your eye, and discover to your Excellency how exemplary a character the distribution of public justice is entrusted to. I have, &c.,

1796

13 Sept.

JOHN MCARTHUR.

[Enclosure No. 6.]

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

Sir,

Sydney, 29th July, 1796.

Having received and considered the subject of your letter of the 25th, I have to inform you that I am no advocate for any man whose public conduct in the particular station he may fill shall appear to me to be improper, nor desirous of keeping back the justice which is due to those who feel themselves injured or insulted. I shall direct as early as possible such investigation of the charges which you have exhibited against Mr. Atkins as it is in my power in our present situation to order.

Hunter
promises an
investiga-
tion.

I am, &c.,

JOHN HUNTER.

[Enclosure No. 7.]

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

Sir,

Sydney, 13th August, 1796.

In your letter to me of the 25th ulto., on the conduct of Mr. Atkins, one of the magistrates doing duty at Parramatta, you have offered to come forward (if I shou'd desire it) with a specification of certain charges against him in his public and official capacity ; I have therefore to desire that you will, as early as convenient, transmit such specification to the Judge-Advocate at Sydney.

Hunter asks
for definite
charges.

I am, &c.,

JOHN HUNTER.

[Enclosure No. 8.]

CAPTAIN MACARTHUR TO JUDGE-ADVOCATE COLLINS.

Sir,

Parramatta, 13th August, 1796.

I this evening received a letter from his Excellency the Governor directing me to transmit to you a specification of certain charges against Mr. Atkins in his public and official capacity.

Concluding, therefore, that you are acquainted with the particulars of the correspondence on the subject, it is only necessary for me to say that my assertions (for I have made no formal charge against Mr. Atkins, except that of his having treated me with the most contemptuous insolence whilst in the performance of my duty at the post where I commanded) are founded :—

Macarthur's
assertions
against
Atkins.

First.—On his having drawn a bill of exchange in favour of Captain Bond, of the East India Service, on Mr. Thornton, of London, with intent to defraud, he having neither account or credit with Mr. Thornton.

Attempts to
defraud.

- 1796
13 Sept.
- Secondly.—On his having drawn a bill of exchange on an agent in London, with whom he had neither account or credit, with intent to defraud Mr. Palmer, the Commissary.
- Habits of intemperance.
- Thirdly.—On his being frequently in a state of the most shameful intoxication, but more particularly on the 19th of August, when at an early hour in the morning he was seen exposing himself in the streets.
- Abusing a creditor.
- Fourthly.—On his abusing and ill-treating Mr. Thorp, the millwright, and William Ridout, for applying to him for the payment of money he was indebted to them.
- Highway robbery.
- Fifthly.—On his stopping Benjamin Carver, a settler, and forcibly taking from him his property in the public highway, and distributing it at his pleasure, in defiance of the poor and helpless owner.
- A compromising letter.
- Sixthly.—On his having desired the destruction of one of his own letters written to Lieut. Cummings, lest it should be produced and prove the follies that are committed under the sacred name of justice.

Will not volunteer proofs.

Having now, sir, implicitly obeyed the command of the Governor in stating the facts on which what I have written to him is founded, I must observe that I have done it merely in obedience to the Governor, and unless I am called upon to justify myself by producing proofs of what I have advanced I shall feel no further interested; for if a man so publicly branded with the commission of the vilest frauds, and the practice of the lowest vices, be deemed a proper person to act as a magistrate, or to succeed you as Judge-Advocate to the settlement, any endeavour of mine to prevent it I am satisfied must be unavailing.* I am, &c.,

JOHN MCARTHUR.

[Enclosure No. 9.]

JUDGE-ADVOCATE COLLINS TO CAPTAIN MACARTHUR.

Sir, Sydney, 23rd August, 1796.

The Governor satisfied with Atkins's defence.

Mr. Atkins having been furnished with a copy of the assertions respecting his conduct transmitted to me in your letter of the 13th instant, and his answers thereto having been laid before the Governor, I am directed by his Excellency to acquaint you that he is satisfied therewith. I am, &c.,

DAVID COLLINS.

[NOTE.—*The remainder of the correspondence in this case, although not in strict order of date, is printed here for convenience of reference.*]

* See Atkins's replies to these charges.—Post, p. 443.

GOVERNOR HUNTER TO RICHARD ATKINS, Esq.

1793

Sir,

Sydney, 12th August, 1796.

12 Aug.

I had yesterday an intention to have written to Captain McArthur relative to the charges he offers to prove against your conduct in your public and official capacity as a magistrate, but as I find there cannot be any other investigation of this business but by bringing it immediately before a Court of Civil Judicature, I have defer'd doing anything in it untill I know that such public enquiry might meet your wishes. I have, &c.,

Atkins and
Macarthur.

JNO. HUNTER.

RICHARD ATKINS TO CAPTAIN MACARTHUR.

Sir,

August, 1796.*

Aug.

The repugnance I feel at descending to an epistolary or any other altercation with a man of your principles can only be surmounted by the gratification that naturally results to a man of honour in delineating even by paper the deformity of an opposite character; and where can I find a subject like yourself?—A man, the baseness of whose heart even imagination, however warm, can hardly portray. To enter into contact with such a being might become contagious; but, however, on this occasion I will not decline giving my unequivocal sentiments of so worthless a member of society.

A violent
letter.

That your charges, or, as you now term them, assertions, against me were founded upon the most ignoble motives, such as malice, revenge, &c., is incontestably proved by your meanly abandoning them, after positively pledging yourself to support them by "proof oral and written." What must your sense of shame be when you, a Goliath of honour and veracity, should resort to a subfuge at which the meanest convict might blush, by skulking from substantial meaning and screening yourself by a jingle of words from that manly perseverance which should mark the character of a man professing as you do. The quibble between charges and assertions is of too flimsy a texture to require a comment. It is only worthy of a dastardly coward like yourself. Your original meanness and despicable littleness pervades your every action. It shows the cloven foot. Return to your original nothing; we know what you have been, and what you now are; and believe me an honest and industrious staymaker is a more honourable and more useful member of society than such a man as I hold you to be.

Macarthur's
motives
condemned.A distinction
without a
difference.

Let me ask who has been the incendiary—who has been the promoter of all the feuds and animosities between individuals in this colony? You, sir. You are likewise the man who has had the audacity to accuse me with having acted officially and individually

A promoter
of feuds.

* There is nothing to show on what date in August this letter was written, but it is evident from the contents that it immediately followed Macarthur's letter to Collins of 18th August, 1796.—Ante, p. 123.

1796

Aug.

The people
will judge.

with injustice, oppression, and speculation—nay, even highway robbery. You who, four years ago, was only a lieutenant, pennyless but by his pay, and is now reputed worth £8,000. Let this colony bear witness where lies the strongest presumption, you or me, being the oppressor, speculator, or robber. On this subject, viper, you bite a file; the day of retribution will come, and believe me it is not far off, when you will be dragged forward by the strong arm of justice to public view as a monster of society, the betrayer of private conversation, to answer your own malicious ends, the assassin of all that constitutes true honour. But why adopt that epithet when addressing a man to whom it is a perfect stranger other than by sound, for he never felt it?

Personal
recrimina-
tions.

I at this period feel myself degraded by devoting a moment in becoming monitor of such a man. Could you suppose that under any possible point of view your pomposity in promising to support your charges against me must not recoil more forcibly on yourself, and render you an object of real contempt with every man of real honour and veracity? Can you believe that the man who has been guilty of such “enormities as you are daily practising” can but be detested by all mankind who have a spark of benevolence and philanthropy in their composition? No, you are known too well not to suppose it! You have passed the Rubicon of true dishonour; you, however, are seared against its sense, and the less pitiable, feeling it not that you are a leper in reputation, and that you ought to be driven from the society of all good men least you should be infectious. Shall I go on, or have I said enough to a man who bears “his Sovereign’s Commission” and has been called lyer and scoundrel, and, if I am not misinformed, received a blow, and still talks of honour? I assert you have been called these; I apply them again to you, and if your fertile imagination can form any epithets more forcible, take them, for they are your own. The manners of a gentleman only causes my subscribing myself,

Your humble serv’t,

RICHARD ATKINS.

I think it proper to acquit that your late infamous transaction respecting me, as well as some other well-authenticated facts, are going home for ye perusal of those whom it may concern; it is not your signature of a few letters that will wipe them away.

 RICHARD ATKINS TO JUDGE-ADVOCATE COLLINS.

Sir,

I received your letter of the 16th instant inclosing a copy of certain charges exhibited against me by Captain McArthur, in consequence of which I have to request that you will in my name supplicate his Excellency the Governor to convene a Court of Civil Judicature for the investigation of such charges as the said

Asks that
Court be
convened.

Court may be competent to. I say competent for I totally object to the admissibility of the two first charges, they being purely of a private nature, and not cognizable before any Court in this colony under their present form. The motives I might have for drawing any bills, and the various reasons the persons on whom the bills were drawn might have for not paying them, is between ourselves, nor can any person interfere but those who may feel a loss in consequence of our respective transactions, and the law and regular mode of obtaining the benefit of that law is clearly laid down both by theory and practice. For these reasons I again deny the competency of the Court respecting the two first charges, however respectable the members of that Court may be. With respect to the third, fourth, fifth, and sixth charges, I am to acquaint you I am ready to answer them whenever called on so to do.

1798

Aug.

Atkins and the competency of the Civil Court.

I am, &c.,

RICHARD ATKINS.

THE REV. S. MARSDEN TO JUDGE-ADVOCATE COLLINS.

Sir,

August, 1796.

Mr. Atkins having called upon me to give my testimony of his conduct, in compliance with his request I feel no hesitation to make the following declaration:—That every Court day when Mr. Atkins and I have sat together to hear any complaints Mr. Atkins has always appeared to me to be perfectly sober, and both capable and also ready to proceed to the investigation of such matters as were from time to time brought before us. I may further add that no act of injustice or oppression done by Mr. Atkins to any individual in the colony has ever come within my knowledge or information. I do also believe that Mr. Atkins has never transgressed the sacred rule of justice in the discharge of his duty as a magistrate at Parramatta since I have known him.

Marsden's testimony concerning Atkins.

I am, &c., SAML. MARSDEN, J.P.

GEO. BARRINGTON* TO THE REV. S. MARSDEN.

Rev'd. Sir,

August, 1796.

In obedience to your requisition to know whether in waiting on R. Atkins, Esq., J.P., with reports or other official duty I have at any time found him so inebriated as to be unable to proceed to investigation, permit me to say that I recollect no such instance. On such occasions he has generally appeared to me to be actuated by a lively zeal for the public welfare. And I think I may take the liberty to add that few men here or elsewhere have more accurate or more extensive notions of the duties of justice and benevolence than the gentleman alluded to. I am, &c.,

George Barrington's opinion of Atkins.

GEO. BARRINGTON.

* George Barrington, the famous pickpocket, was at this time superintendent at Parramatta.—Ante, p. 115.

1796

JOHN THOMPSON TO THE REV. S. MARSDEN.

19 Aug.

Reverend Sir,

Parramatta, 19th August, 1796.

A bill of
exchange.

Agreeable to your request, I transmit the following testimony respecting Mr. Atkins :—In Decr., 1792, I received from Mr. Palmer, the Commissary, a bill of exchange drawn by Mr. Atkins on Messrs. Wimburne and Collett, in London, which bill, on my arrival in England, I presented for acceptance. One of these gentlemen (I believe Mr. Wimburne) told me that they could not pay it as they had no money of his in their hands, but desired me to leave the bill and call again in a few days, when he would see what could be done.

The holder
referred to
endorser.

In the course of three weeks or a month I called again and saw another gentleman (the other partner of the house), who told me they had no money of Mr. Atkins in their hands for some time, and that I had better carry the bill to the indorser or his agent, which I did, and Mr. Toulmin accepted it immediately.

A private
conver-
sation.

I suffered no loss by this bill, nor ever mentioned it as a reflection on the character of Mr. Atkins, being the subject of a private conversation at Captn. McArthur's house, from whence I never expected unguarded talk would be brought forward to the prejudice of a gentleman which was not meant as such.

Thompson's
opinion of
Atkins.

I have been in some degree of intimacy with Mr. Atkins ever since my arrival in this country, and from what I have been able to observe from his general conduct and conversation (even the most unguarded) I sincerely believe him to be a man of strict honour and principle, and incapable of drawing that bill with a fraudulent intention, and I attribute the refusal to mistakes of agents which we all know frequently happens.

The charge
of inebriety.

I have had frequent occasion to make application to Mr. Atkins in his official capacity, and always found him ready to attend to them, nor to my knowledge did I ever observe Mr. Atkins incapable of attending to his duty from inebriety.

A personal
quarrel.

I firmly believe this prosecution to be raised from private resentment, as I have often heard Captn. McArthur rail very much against Mr. Atkins, and Captn. McArthur himself told me he would not have troubled Mr. Atkins at this time if he (Mr. Atkins) had not interfered with him in his duty.

Atkins's
attitude as
an official.

I have frequently heard Mr. Atkins say that tho' Captain McArthur and himself had been at variance, yet he would, as the inspector of the public works, pay the most particular attention to anything that affected Captn. McArthur; and in my opinion he always shewed a peculiar delicacy in anything that might hurt Captn. McArthur's feelings, tho' he has often observed Captn. McArthur had not adhered to ye same line of conduct towards him.

I am, &c.,

JNO. THOMPSON.

THOS. ARNDELL TO THE REV. S. MARSDEN.

1796

Reverend Sir,

Arthur's Hill, 18th August, 1796.

18 Aug.

In compliance with your desire, I send you the under-written testimony of Mr. Atkins's conduct.

About the latter end of July I met Captn. McArthur, when he informed me of the difference between Mr. Atkins and himself, and that he should inform the Governor of his character, which was a drunkard, a swindler, a vagabond, &c., &c., and spoke of Mr. Atkins as an unfit person for the office he was to hold. Captn. McArthur also told me that if Mr. Atkins had not begun with him he should not have meddled with him now. I informed Mr. Atkins of the conversation, only omitting the abusive and slanderous expressions made use of, fearing it might widen their breach.

Macarthur and Atkins.

From my private intimacy with Mr. Atkins for several years, no person has had more opportunity of observing his conduct and knowing his real principle, which I have ever found full of benevolence, justice, and humanity. Since Mr. Atkins has held his present situation I have always heard him express the greatest wish to oblige Captn. McArthur as far as lay in his power, and by all means to avoid quarrels and contentions, as it would answer no end but that of impeding the public service.

Arn dell's opinion of Atkins.

I have frequently heard Mr. Atkins say that Captn. McArthur's conduct towards him during the time he held Mr. Atkins's present situation had deeply wounded his feelings, yet he was determined never to retaliate. I have every reason to believe that envy is the cause of Captn. McArthur instituting the present inquiry. This is all at present from, &c.

He imputes envy to Macarthur.

THOS. ARNDELL.

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

Sir,

Parramatta, 13th September, 1796.

13 Sept.

It being my intention to transmit copies of the correspondence which I have had the honour to hold with your Excellency, and to declare my opinion respecting this colony, to his Majesty's Secretary of State, candour and justice require that you should be informed of it.

Macarthur sends the correspondence home.

I have, &c.,

JOHN MACARTHUR.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord,

Sydney, New South Wales, 14th Sept., 1796.

14 Sept.

Having this day received a letter from Captain John McArthur, of the New South Wales Corps, wherein he informs me that it is his intention to lay before your Grace copies of such correspondence as he has had with me, and also to give you his opinion respecting the colony :

Hunter's comments.

1796

14 Sept.

Macarthur's
official
position.His
resignation.His corre-
spondence
with the
Secretary of
State.The outcome
of such
conduct.

It may not be improper that I shou'd inform your Grace that this officer is the person who had been appointed by Lieut.-Governor Grose Inspector of the Public Works,* an appointment which I soon after my arrival saw to be highly necessary to the assistance of the Governor, and in which I said I had continued this officer. But having, before I had been long in the country, had cause to remark that scarcely anything short of the full power of the Governor wou'd be consider'd by this person as sufficient for conducting the dutys of his office, and that such power as he had thought proper to exercise having given cause to some complaints which had been lay'd before me, I saw it absolutely necessary to forbid any interference in the departments of other officers, who were respectively, as principals in their own departments, responsible to me as the Governor. Such decision upon such complaints not having satisfied Mr. McArthur, he soon after desir'd permission to resign his civil appointment, and this I judg'd he had determin'd upon from finding that in all such cases I wou'd be govern'd by my own judgement, and that I was not dispos'd to allow any power to any officer in this colony which cou'd be exercis'd to the annoyance of other responsible persons, or to the disturbance of that peace and harmony on which I consider'd the happiness of the people at large and the progressive improvement of the colony depended so much. I, without reluctance, accepted the resignation,† and this officer has now thought fit within three days of the sailing of the ship by which I forward my dispatches to announce his intention of laying his opinion respecting the colony before your Grace; and this information he has convey'd to me in terms which imply a censure on my judgement or management of those concerns with which his Majesty had been pleas'd to entrust me (a copy of his letter I enclose), and this opinion is to be accompanied with copies of some correspondence with me of which I have no immediate recollection, not having ever had any with him on any subject of sufficient importance to trouble your Grace with.

I will not take up your Grace's time by such observations as this conduct might suggest; it will be sufficient to say that I think any person at perfect liberty to give their private opinions upon what they know and what they see when abroad to their private friends. But I am of opinion that were every restless, speculating, troublesome, or dissatisfied individual in this or in any distant colony encourag'd to consider himself of sufficient importance to take the liberty of corresponding with his Majesty's ministers upon the public concerns of such colony, and wholly independant of the Governor, it wou'd soon occasion such a variety of opinions as cou'd only serve to embarrass the judgement of Government,

* Vol. ii, pp. 14, 327.

† See the correspondence relative to the resignation of Captain Macarthur.—*Ante*, pp. 27, 28, 41, 42.

and would generally be found to be directed more to the private interest of the several schemers than that of the public. If individuals have anything to offer for the benefit of the service, it should come thro' its proper channel. If there exists any grievance which it might be necessary to lay before the Secretary of State, that should also pass thro' the hands of the Governor, in order to his making such observations upon it as might place it in as clear a point of view as possible.

1796

14 Sept.

The Governor ignored.

I am not known, my Lord, to possess a violent or a peevish disposition, but I hope your Grace will pardon me when I declare that I consider this officer's conduct in this instance to be an impertinent, indirect, and highly censurable interference in the duties and department of the Governor of this colony, which, if permitted to pass without representation or notice, might terminate in reducing his consequence and authority to a mere name, and encourage every person engaged in private speculations, whenever the public orders and regulations which existing circumstances may render necessary may interfere with or disappoint their favourite schemes, to inform the Governor they intend to lay their opinions before his Majesty's minister.

An impertinent interference with the Governor's functions.

As I know nothing of the circumstances intended by this officer for your Grace's information, it is not necessary to trespass longer on your Grace's time.*

I have, &c.,

JNO. HUNTER.

CAPTAIN MACARTHUR TO THE DUKE OF PORTLAND.

My Lord, Sydney, New South Wales, 15th Sept., 1796.

15 Sept.

From a persuasion it is of importance that this settlement be enabled to maintain itself in food of its own production as speedily as possible, and that the heavy expences may be lessened which it is the cause of, I have presumed to trouble your Grace with some observations that a long residence in the colony has enabled me to make, and to point out some errors in its present management, which, if not soon corrected, will create more difficulties than it has even yet felt.

A self-supporting settlement.

If my information of the sums expended within the last year merely for internal produce be not inaccurate, it cannot be unacceptable to discover a mode of lessening so considerable an incumbrance, nor will your Grace think your time and patience impertinently trespassed on.

No officer has possessed more ample means of informing himself of the produce of the colony, the nature of its soils, and the manner of cultivating it than myself, I having, after the departure of Govr. Phillip, receiv'd an appointment from Lieutenant-Governor Grose that subjected most of our agricultural concerns to my inspection and control. The experience which I derived from my publick

Macarthur's opportunities of acquiring information.

* Macarthur's letter was referred to Hunter by the Duke of Portland.—Post, p. 293.

- 1796** employ, and the observations that I made in the management of
15 Sept. my private farm, soon enabled me to determine that it was a most disadvantageous system for Government to cultivate grain, but that any individual who would pay common attention to the culture of his farm might, with justice to himself, undertake to feed his servants with bread after the expiration of eighteen months from the time of his commencing to farm.
- Fifteen to thirty bushels per acre.** I calculated that each man would consume twelve bushels of wheat in a year, and I know that in the worst season one acre of good land (of which we have an immense quantity) would produce fifteen bushels of wheat, and that in favourable seasons from twenty to thirty bushels pr. acre may be expected. From this it appears that under the discouraging circumstance of an unfavourable season the cultivation of a single acre will more than supply one man with bread, and that with a fruitful season a very considerable surplus will remain.
- The labourer's product.** Two men, who have been but little accustomed to labour, can cut down the trees on an acre of the most heavily incumbered ground, they can burn them off it, and completely cultivate the whole with wheat in one month, without labouring more than eight hours in a day. As the season for sowing wheat commences in April and continues until the end of July, a settler, beginning to clear his ground so late as February, can with great ease clear and cultivate six acres with wheat, allowing him only the assistance of one servant. There will then be, even tho' a month should be expended in harvest work, five spare months to forward his little buildings and to cultivate maize and vegetables for feeding hogs and poultry. By this distribution of the time and labour of a settler and his servant every farm in the country worth cultivating will produce a sufficiency of grain to supply with bread three times the number of labourers employed on them.
- Hunter's first impressions.** When his Excellency Governor Hunter arrived in this colony I thought it my duty respectfully to communicate my observations to him, and the conclusions that I had drawn from them. He was then pleased to express himself highly gratified at the opening prospect of the settlement, and to declare a resolution of pursuing instant measures for reducing the expences of Government. It is painful for me to inform your Grace that this resolution has never yet been put in practice, but that, on the contrary, so great a degree of relaxation was almost immediately admitted in the conducting every department of the publick business that I thought I cou'd no longer, with honour to myself, continue in an office to which there might be the smallest responsibility annexed.
- Macarthur's resignation.** I have the honour of transmitting herewith the copies of letters* relative to the resignation of my civil appointment, and of others on subjects of agriculture, which will fully explain to your Grace that I now advance nothing but what I have before communicated

* Ante, pp. 27, 28, 41, 42.

to Governor Hunter, and that my opinions respecting the resources of this colony are founded on practice, not on wild and uncertain speculations. 1796
15 Sept.

I have declared that, unless our present errors are corrected, more serious difficulties will yet be felt ; and I hesitate not to say, further, that the interest of Government is utterly disregarded, its money idly and wantonly squandered, whilst vice and profligacy are openly countenanced. I will not, however, substitute declamatory assertions for specific facts, as it is my purpose to convince your Grace that I am guided by a spirit of truth and influenced by a just sense of honour. A serious charge.

Your Grace will observe that Governor Hunter, in reply to my offer of maintaining one hundred men with bread, free of expence to the Crown, declined accepting it, assigning as a reason that there were no labourers to spare. By an examination of the Commissary's returns it will be found that more than three thousand persons are victualled at the stores of Government. From the Governor's reports it will be seen that not an acre of publick ground is cultivated ; it is also equally certain that no buildings of any consequence are constructing. It is therefore evident that almost all the labouring men of the colony are either not employed at all, or that they are engaged in the service of private people. Macarthur's offer to feed convict labourers.

I can prove that many who are fed at the expence of his Majesty are permitted to dispose of their time as they think proper themselves ; that others are allowed for the service of convict prostitute women ; and that the labour of one-half of the people is directed to purposes which can never be of the smallest utility or advantage to the colony. Government work neglected.

A great number are settled on farms without any means being adopted to ascertain the quality of the soil that is to be cultivated, the consequence of which is, that after a year's labour has been expended it is discovered there is no prospect of such land ever supporting its owner. Many who are settled in the most fertile parts of the country are so dissolutely disposed, and confirmed in such habits of idleness, that it can never be expected they will voluntarily labour whilst there is a possibility of subsisting by plunder. Had those men, instead of being permitted to become settlers, been obliged to employ themselves in the service of an industrious and vigilant master, they would not only have produced by their labour enough to maintain themselves, but there would have been a surplus to contribute to the furnishing the civil and military establishments. Conditions of freed settlers.

When the stores were opened this season to receive maize from the settlers there was in the granaries more than twenty thousand bushels of wheat ; there was also unthreshed near six thousand bushels that was raised under my direction on the publick The wheat crop.

- 1796** ground last year. This wheat was more than sufficient to supply the colony until next harvest, and it is a fact of which Governor Hunter could not be ignorant.
- 15 Sept.** Notwithstanding this he has since permitted more than thirty thousand bushels of maize to be purchased at an expence of near eight thousand pounds sterling. To what uses this corn can be applied is not yet known, as it is certain there will be no want of it.
- Purchasing corn.** Had the settlers, instead of having their corn purchased from them, been obliged to keep it, it is probable they would have raised an immense number of hogs ; but as they have now sold their grain, and have no means of feeding them, they have no alternative but to destroy their breeding-sows. Already so many of those animals have been killed, and bought by Government at one shilling per pound, that I am convinced the whole race would be exterminated in a few months but for the care of the officers of the settlement.
- Destruction of live stock.** * The receiving grain at the stores being entrusted to the superintendants who assist the Commissary, those people are at liberty to issue receipts for any quantity they please, without even the smallest attempt being made to guard against imposition.
- A dishonest servant.** One of the superintendants who is now authorized to give receipts in this unlimited manner was some time since detected by me in plundering the storehouse, where he was placed to issue provisions, and he was in consequence of it suspended from his office ; but after my resignation he was again restored. At this moment he is possessed of power to disperse receipts to any amount, without the possibility of being detected if he does it fraudulently.
- Purchasing sugar.** We have of late had several ships to visit us from India on voyages of speculation. Most of them have brought large quantities of sugar, and disposed of it to private people at the rate of from sevenpence to ninepence per pound. It is not three months since it was so sold, yet it was not then discovered that Government wanted a supply ; but within the last fortnight it has been found convenient to purchase several ton weight of the same sugar at fourteen-pence per pound, and it is now issuing to every convict as a part of the ration. I have no means of informing myself of the expence of this purchase, but I am certain it must amount to more than one thousand pounds sterling.*
- Morale of the community.** It is a melancholy truth, my Lord, that vice of every description is openly encouraged, and it cannot therefore excite much surprise that the lower order of the people continue their former practices when those whose situations require the most particular circumspection of conduct are the most openly dissipated and abandoned. The papers labelled "Copies of letters relative to Mr. Richard Atkins" are submitted to your Grace as a proof that men whose characters are disgraceful to the British nation may find support

* Post, pp. 224, 368, 512.

and protection in the colony. I am fully aware, my Lord, that if I fail to prove the truth of what I have asserted I shall with justice be driven from his Majesty's service with every mark of ignominy and disgrace.

1796

15 Sept.

I have written under this conviction, and have therefore been particularly cautious to advance nothing but what can be satisfactorily established.

I am confident that at this moment the colony ought to maintain itself with bread without expence to his Majesty, and I pledge myself to prove that in one year, after proper arrangements are made, there will be a sufficiency of animal food raised to answer every demand for the number of its present inhabitants. The reasons on which I form this opinion will be seen in the paper labelled "A plan to encourage the increase of live stock."

Prospect of
the colony
producing
its own food
supplies.

In the measure I have taken of communicating my opinions to your Grace I have been influenced by no private enmities—no dishonourable purposes. I have been persuaded that silence in such a case would be criminal, and I could not apprehend danger in being just. Under this conviction I shall wait the event in calm expectation.

I have, &c.,

JOHN MCARTHUR.

[Enclosure.]

MACARTHUR'S OBSERVATIONS ON STOCK-BREEDING.

OBSERVATIONS humbly submitted to his Majesty's ministers for encouraging the increase of live stock in his Majesty's colony of New South Wales.

THAT every settler discovering the smallest inclination to industry be furnished with two breeding-sows. Stock-breeding.

That these sows be continued as the property of Government, and that the settler, for his care and expence in feeding them and their female offspring, be indulged with the whole of the males they shall produce, provided he raises them to one year old.

That if after the expiration of two years it shall be seen that the settler has taken every possible care of the animals entrusted to him, Government will indulge him with all the females he shall have raised. And as a farther incitement to care, if it shall appear that he has particularly exerted himself in forwarding the designs of Government, the original sows from which he has bred will be given to him. Swine.

That all barrow pigs, if more than one year old, or not weighing less than seven score pounds, be received into the public stores, at ninepence per pound.

That persons possessing sows, not the property of Government, may, on proof of their having a sufficient number to breed from,

1796 return them to the stores, either alive or dead, as the interest of Government may require, and be paid at the same rate as for barrows.

An
inspector.

That a person of character be appointed to inspect the progress of every settler monthly, and if any instance shall be discovered of neglect or ill-treatment of the sows which Government have lent, the settler so offending to be considered as having forfeited all claim to future indulgence, and be as severely punished as the law will admit.

Grazing
animals.

That as the raising of grazing animals is of still more importance than the rearing of hogs, all persons who shall discover a desire to benefit the colony by their care of such animals will receive every possible encouragement.

The food
supply.

It is humbly presumed that if those measures were adopted, and some other trifling checks, which experience may point out, that the colony will very soon produce a sufficiency of animal food for its own support; and that as soon as this is effected every settler may be called on altogether to feed the servants allowed to them.

That as by this measure Government will have none to provide for but the civil and military establishments, with the few labourers required for the uses of the stores, the public wharfs, and as officers' servants, their demand for animal food will be considerably lessened, and consequently the price of this essential necessary of life may be reduced to any sum which Government in its prudence may deem proper.

JOHN MCARTHUR.

GOVERNOR HUNTER TO UNDER SECRETARY KING.*

17 Sept.
Lieutenant
Abbott.

Dr. Sir, Sydney, New South Wales, 17th Sept., 1796.

Lieut. Abbott, of the New South Wales Corps, will have the honor of delivering this. He has had his health so ill for some time past as to be wholly incapable of his duty, and is therefore permitted to return to England. This gentleman having had the detached command on the banks of the river Hawkesbury, where our settlement is now pretty considerable, I have given him this letter to deliver, in order that you might have an opportunity of asking any questions you might wish relative to that district.

Live stock
from the
Cape.

His Majesty's ships† are now upon sailing for the Cape Good Hope, in order to procure such quantity of live cattle for the colony as they can conveniently accommodate. By the present opportunity, which is that of the return of Mr. Palmer, the Commissary, and the Judge-Advocate, Capt. D. Collins, I forward for his Grace the Duke of Portland a very complete and full account of this colony, which, allow me to say, I think will be satisfactory. The settlement is thriving and our stock increasing; but if we

* A private letter.

† The Reliance and Supply.—Post pp. 236, 237, 238, 277, 289.

are allow'd to run very short of salt provisions we shall be thrown
back again in our quantity of live stock. We are at present so
very short of laborers that Gov't's ground lays idle, and all our
force is employ'd in erecting such buildings as we can for pre-
serving our crops. I hope you may soon be able to send up some
male convicts.

1796

17 Sept.

Condition
of the
settlement.

We shou'd be doing still better were we clear of some extrem'ly
troublesome people; there is continual feuds and animosity, and
a strong desire for litigation, on which account I earnestly wish
some steps be taken to add some expence to all private litigation.

I am, &c.,

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

17th September, 1796.

Parole—Lynn.

Countersign—Yarmouth.

The Governor is pleased to appoint Captain George Johnston, of
the New South Wales Corps, to be his Aid-de-Camp until further
orders.

The Aide-de-
camp.

The Reverend Richard Johnson and William Balmain, Esquire,
are appointed the acting magistrates in the district of the town of
Sydney.

The Magis-
trates.

Mr. James Williamson is to do the duty of Commissary of
Stores and Provisions during the absence of the Commissary.

The
Commissary.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord, Sydney, New South Wales, 20th Sept., 1796.

20 Sept.

Inclosed I transmit for your Grace's information a return
of the civil establishment of the colony, and the alterations which
have taken place since the first establishment.

This being the last letter which I shall trouble your Grace with
by the present conveyance, I cannot close it without expressing
my concern at the unavoidable expences incurred within the last
year, but which, I flatter myself with the hope, will be consider-
ably less during the next. I have only to request that your Grace
may have recourse to the Commissary's accounts, as well as to that
gentleman personally; if there shou'd be anything not perfectly
clear, he will be on the spot to explain. In our present state, my
Lord, almost every work of a public nature (and there are many
yet to be done) must be attended with expence, because we have
no artificers but who are free men. I am at this time endeavouring
to get two windmills erected, but it cannot be effected without
expence, for the above reasons; and if it were not to be attempted,
much of the wheat purchased at the proper seasons would be lost

The
expenditure.

The
increased
cost
explained.

1796 by vermin. I am therefore anxious to have it ground into flour
20 Sept. as early as possible. We shall, I fear, want some millstones and
other articles for dressing flour.

I will no longer fatigue your Grace, but request that you will do
me the honor and justice to believe I am extremely anxious that
our concerns here may be so managed as to meet your Grace's
approbation. I have, &c.,

[Enclosure.] JNO. HUNTER.

RETURN of the Civil Establishment of New South Wales, 20th
September, 1796.

Return
of superin-
tendents
and others.

Office.	Name.	Where Employed.
Governor	John Hunter, Esqr. ..	Sydney.
Lieut't-Governor	Frans. Gros, Esqr.	Returned to England.
Lieut't-Governor	Philip Gidley King, Esqr.	Norfolk Island.
Judge-Advocate	David Collins, Esqr.	Embarked in the Britannia.
Secretary to the Governor	do.	do. do.
Chaplain	Revd. Richard Johnson ..	Sydney.
Assist.-Chaplain	Revd. Sam'l Marsden ..	Parramatta.
Commissary	John Palmer ..	Embarked in the Britannia.
Deputy Commissary	Tho's Laycock ..	Sydney.
Deputy Commissary	Zach'h Clark ..	Norfolk Island.
Surveyor of Lands	Augustus Alt ..	Sydney.
Deputy Surveyor	Charles Grimes ..	Parramatta.
Principal Surgeon	John White ..	Returned to England.
Assistant	Will'm Balmain ..	Sydney.
do.	Tho's Jamieson ..	Norfolk Island.
do.	James Thomson ..	Parramatta.
do.	Samuel Leeds ..	Resigned. Embarked in the Britannia.
do. to Surgeon	D'Arcey Wentworth ..	Sydney.
Provost-Marshal	Tho's Smyth ..	do.
Acting do.	Fane Edge ..	Norfolk Island.
Superintendants of Convicts	¹ Nicolas Divine ..	Sydney.
	¹ Thomas Clark ..	Parramatta.
	¹ Andrew Hume ..	Tongabbe.
	¹ John Jamieson ..	Norfolk Island.
	¹ William Baker ..	Hawkesbury.
Storekeepers	² Darcy Wentworth ..	Norfolk Island.
	³ William Broughton ..	Parramatta.
	² W'm Neate Chapman ..	Norfolk Island.
Master Bricklayer	³ Thomas Smyth ..	Sydney.
Master Carpenter	³ James Bloodworth ..	do.
Master Carpenter	³ John Livingston ..	Parramatta.
Master Miller	¹ Thomas Allen ..	do.
Master Millwright	¹ Ja's Thorpe ..	do.
Master Blacksmith	⁴ Walter Brodie ..	Sydney.
Master Boatbuilder	¹ Dan'l Payne ..	do.
Navigating the Sloop	⁵ Will'm House ..	do.
Acting Superintendent	⁶ Martin Thomas ..	Norfolk Island.
Master Carpenter	Vacant ..	do.

¹ Sent as such from England.

² Appointed by Lt.-Gov. King.

³ Appointed by the late Gov. Phillip.

⁴ Appointed by Lt.-Gov. Grose.

⁵ Appointed by Lt.-Gov. Grose, who promised him £10 per annum.

JNO. HUNTER.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

26 Sept.

Sir, Whitehall, 26th September, 1796.

Having referred to the Lord Advocate of Scotland the
memorial addressed to you by Thomas Muir, Thomas Fysh Palmer,

and William Skirving, dated Sydney, New South Wales, 25th October, 1795, together with certified copies of their respective sentences and the subsequent Order-in-Council thereon, I hereby acquaint you that it is your duty to detain those persons within your Government until the terms of their respective sentences are completed.*

1796

26 Sep

The Scotch
Martyrs to
be detained.

I am, &c.,

PORTLAND.

GOVERNMENT AND GENERAL ORDER.

26th September, 1796.

Parole—Liverpool.

Countersign—Bristol.

The many robberies which have been and continue daily to be committed renders it necessary, for the safety and security of the industrious and their property, that some effectual means should be used to secure those pests to society who are continually employ'd in such depredations.

Prevalence
of robberies.

The Governor, therefore, has determined to erect in each of the towns of Sydney and Parramatta a strong log building for the security of all idle and worthless characters; and for the more readily and expeditiously completing such building it becomes necessary that every settler and housekeeper do furnish some part of the means by which those very necessary works are to be immediately finished. It is therefore expected and ordered that they do deliver in, at the place where the building is to be erected, ten logs weekly each, the logs to be 9 feet long, not under nor over 7 inches diameter, and that they are quite straight. The housekeepers and settlers will be furnished with a receipt for the numbers they send in. By this means the Governor will be enabled to judge of their attention to a measure principally meant for their security. The Governor thinks it also necessary to inform the officers who are furnish'd with labourers from Government that he expects from them twenty logs each. Those whose farms or places of residence are in the neighbourhood of Parramatta will deliver their proportion there, and those who are nearer to Sydney at that place.†

Local gaols
to be
erected.Contri-
butions from
settlers.

JNO. HUNTER.

UNDER SECRETARY LEWIS TO UNDER SECRETARY KING.

Sir,

War Office, 29th September, 1796.

29 Sept.

Your letter of the 22nd instant,‡ with the enclosures (which are herewith returned), having been laid before the Duke of York, and his Royal Highness having directed that the same should be

* See the opinion of the Lord Advocate (R. Dundas).—Ante, p. 111.

† Collins (vol. ii, p. 2) states that the Governor had the satisfaction of seeing the materials for the erection of these log prisons brought in much quicker than the carpenters could put them together.

‡ This letter of Under Secretary King is not amongst the transcripts received from England.

1796
29 Sept.
—
The complaint
against
Ensign
Brock.

transmitted to M.-Gen'l Cuyler, the general officer commanding at Portsmouth, for him to examine into the circumstances of Ensign Brock's conduct, I am desired by the Secretary at War to send for the Duke of Portland's information copy of a letter received by Colonel Brownrigg from M.-Gen'l Cuyler, together with a copy of one enclosed therein from L't-Colonel Grose, Commandant of the New South Wales Corps, on the subject of the complaint made against Ensign Brock.

I am, &c.,
M. LEWIS.

[Enclosure.]

MAJOR-GENERAL CUYLER TO COLONEL BROWNRIGG.

Sir,

Portsmouth, 26th September, 1796.

The Major-
General's
report.

In obedience to Field-Marshal his Royal Highness the Duke of York's commands, contained in your letter of the 23rd instant, I have had an enquiry made relative to the charges preferred in the letter, which I herewith return, against Ens'n Brock, of the South Wales Corps; and for his Royal Highness's information I transmit Lieut't-Colonel Grose's report on the subject of complaint. I have also had some conversation with Ens'n Brock, and from his own history he makes it appear that he is not at all in fault; but I trust, from what I have recommended to him for his future guidance during the voyage, that there will be no further cause of complaint.

I have, &c.,
C. CUYLER, M.-G.

[Enclosure.]

THOMAS PATRICKSON* TO JAMES DUNCAN.

Sir,

15th September, 1796.

The
captain's
complaint.

I regret extremely I am obliged to transmit to you the enclosed letter. The contents, however, are of such an alarming nature that I request of you as the greatest favor you will urge to the Hon'ble the Transport Board the absolute necessity of Mr. Broke's removal.

Willing to
answer for
delivery of
convicts.

If the Hon'ble Board would only place sufficient confidence in me (and I am answerable both as owner and having signed the bonds for the safe delivery of the convicts), I would undertake under yet heavier penalties to land them safe rather than suffer, or indeed run the risque, which the interference of such a character might occasion.

The nature
of the
evidence.

I have only to add that I am confident of the veracity of the writer, Mr. Morris, and though a different representation has reached the Hon'ble Board, yet I am, notwithstanding, very certain it must have arisen from some misrepresentation. The matter is thus at issue. I am informed that Mr. Broke has no one to second his assertions, excepting Mrs. Broke. With respect to the opposite party, they agree to a man, even the surgeon

* Captain of the transport ship *Ganges*.

THE CASE OF ENSIGN BROCK.

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appointed by Government, and will attest the circumstances on oath. I shall only state what relates to the boatswain of the ship, who might perhaps side with the officers of the ship, especially when the officer commanding was drove with violence of [off] the quarter-deck, but Mr. Broke had, I understand, previously threat'ned him with corporal punishment, without any permission on the part of the officers of the ship.

1796

29 Sept.

I am, &c.,

THOMAS PATRICKSON.

[Enclosure.]

PETER MORRIS TO THOMAS PATRICKSON.

Dear Sir,

Deal, 12th September, 1796.

Our situation within these few days has been very uncomfortable, owing to the strange conduct of Mr. Broke.

I beg leave to relate a circumstance that will be sufficient to prove that unless he alters his behaviour he will be absolutely unsupportable. Mr. Jacks had my orders when I went on shore on the ship's business in case of any necessity to fire a gun, on which I intended to repair instantly on board. A dispute arising between Mr. Jacks and Mr. Broke, he thought proper to make the signal agreed upon; and when about to execute those intentions, Mr. Broke placed four centinels over the guns, told him he was commander of the ship, and thrust Mr. Jacks off the quarter-deck with violence, calling him a scoundrel, &c.

The complaint against Ensign Brock.

Every man on board is witness to the above facts, as well as his excess in drinking, which he begins before breakfast.

Habits of intemperance.

I am therefore inclined to believe we shall not be able to get through the voyage with him, as every officer in the ship already mention their intentions of leaving her if this abusive man remains on board. I can only further add that all I have asserted I will with pleasure attest, in which every person belonging to the vessel will join me.

I have, &c.,

PETER MORRIS.

[Enclosure.]

LIEUTENANT-COLONEL GROSE TO MAJOR-GENERAL CUYLER.

Sir,

Portsmouth, 25th September, 1796.

In obedience to your order, I have to-day been on board the Ganges, transport, for the purpose of investigating the complaint made by the officers of that ship against Ensign Brock, of the New South Wales Corps. From what I had heard on this subject I rather expected to have found a great deal more disorder in that ship than appears to be the case. For as it so happened that Ensign Brock was on shore, I, in the first instance, called for the serjeant and the soldiers of his party, of whom I asked whether they had, or had not, any grievances to complain of as to their treatment, either by the sailors or the officers of the Ganges. I

Grose personally investigates.

The evidence of the serjeant and soldiers

- 1796 received for answer that they were well treated ; that they had
 29 Sept. not any complaints to make : that they never as yet had had any
 disputes with the sailors : that they were themselves perfectly
 contented ; and that they supposed if the officers of the ship were
 asked the question they would inform me they were satisfied with
 their behaviour on board.
- and of ship's I asked this question of the mate and officers of the ship, and
 officers. was answered that the soldiers were orderly and well-behaved.
- The chief I then enquired of the chief and second mate if their dispute
 and second with Ensign Brock was so serious as to put it out of my power to
 mates. adjust it, or if they thought anything I could say would bring
 about a reconciliation. They stated that within these few days
 they had not been disputing with Mr. Brock ; and it appeared to
 me, on the whole, that notwithstanding they complained of having
 received a good deal of abuse, that there were no objections on
 their part to forget what had happened, provided Mr. B., from
 anything that should be said to him, could be prevented from
 interfering with them in future.
- A female One origin of this dispute was from the circumstance of a con-
 convict. vict woman being suffered on the quarter-deck. B., it appears,
 contended she should not walk there ; the mate insisted she
 should. High words having taken place, the mate designed to
 fire a gun as a signal to bring off from the shore the commander
 of the ship. Brock, it seems, considered, or, as the mate says,
 pretended to believe, this gun was to be fired into his cabin, and
 therefore placed a centinel over it. This act, they supposed, was
 in a manner arresting the command from the commander of the
 ship, and is what is chiefly complained of. Mr. Mileham, the
 surgeon, who has also written to represent the disquiet he feels at
 Mr. B. being suffered to go in the ship, says he does not think he
 should have given himself that trouble but that he heard Mr.
 Brock had himself designed to complain, and that he therefore
 chose to complain also.
- The Brock's Ensign Brock I have since seen, and he informs me that he felt
 surgeon's explanation. his situation in the Ganges so truly uncomfortable and alarming
 complaint. that when in the Downs he requested the Admiral Peyton to inves-
 tigate his conduct, and the conduct of the officers in the Ganges
 towards him ; that in consequence of this request the Admiral
 sent Capt'n Winkworth and some other officers to enquire into
 the business, which was formally done ; that the result of this
 enquiry the Admiral is in possession of, and he did suppose would
 have forwarded to the Transport Office. To this enquiry Mr
 Brock wishes to refer for everything that relates to his conduct
 and, lastly, is very earnest in requesting that the opinion of this
 Court of Enquiry may be brought forward for the exculpation of
 his character, the which he feels is much injured by assertions
 that have been made to his prejudice.
- He courts He courts an inquiry.

THE CASE OF ENSIGN BROCK.

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I lament, sir, it is not in my power to have executed this business you have sent me on in so satisfactory a manner as I could have wished. I have, however, sir, put you in possession of everything I can collect.

1796

29 Sept.

I am, &c.,

FRA'S GROSE, L't-Col.,
Commandant, N. S. Wales Corps.

[Enclosure.]

SURGEON MILEHAM TO UNDER SECRETARY KING.

On board the Ganges, in ye Downs,

Sir,

21st September, 1796.

Little did I suppose when I engaged myself surgeon on board the Ganges, transport, to experience the difficulties, I am sorry to say, I at present endure. I have nothing to alledge against the ship's company, but the treatement I receive from a desperate guard (and I am sorry to say the officer is not much better) is intolerable. This treatment I cannot otherwise account for but by supposing it is owing to my not coinciding in opinion with Mr. Brock respecting some differences he has had with the officers of the ship. I am sorry to trouble you on this occasion, but can assure you my determination (unless some great alteration) is not to go the voyage, and whatever I am indebted to Government I will cheerfully return.

The surgeon's complaint.

I shall appeal to the ship's company for my behaviour and conduct since my arrival on board, and flatter myself it as been such as not to merit censure. I beg leave to crave your advice and assistance on this occasion, and remain assured gratitude shall never be found wanting by, sir, &c.,

JAS. MILEHAM.

[Enclosure.]

DEPOSITION OF SURGEON MILEHAM.

Deal, 21st September, 1796.

THE first day of my comming on board the Ganges, transport, being the 12th of September, when setting at dinner, conversation hav'g taken place, I observed a disposition in Mr. Brock wishing to create a disturbance by irritating and tantalizing Mr. Jacks, who was then present, to that degree that had it been myself I certainly could not have born it; but Mr. Jacks, on the other hand, notwithstanding all that had been said to him by Mr. B., made no other answer than that of, "Sir, I wish no conversation with you or your family," which fully convinced me that what had been said to me a few days ago by Mr. B. respect'g Mr. Jacks pointing him out to be a very quarrelsome man to be void of foundation.

The ensign and the mate.

My firm opinion, likewise from what I have seen, is that Mr. B. without a doubt is a very dangerous person to go the voyage. He represented to me that the greatest part of the men he had the

Brock a dangerous person.

1796 honour to command were a dam'd set of rascals ; but since what
 20 Sept has happen'd, finding them to be the only evidence he could bring
 for his purpose, on his leav'g the ship he said they were the best
 fellows in the world, and should be happy to sail w'th them.

The said men are brought forward ag'st the officers of the ship
 as evidence, and upon oath ; but shall beg leave of my readers for
 a moment to inspect their former lives.

The soldiers
 and the
 sailors.

The report of the sailors illusing the soldiers is false, which I
 can with pleasure certify that during my stay on board the ship I
 never saw but the greatest harmony prevail amongst them. In
 short, I never saw in so little time a better-disposed sett of people
 as the ship's company ; but, on the other hand, Mr. B. is one with
 whom I sho'd never think of taking a voyage to New South Wales.*

JAS. MILEHAM, Surgeon.

GOVERNMENT AND GENERAL ORDER.

30 Sept.

30th September, 1796.

Parole—Berwick.

Countersign—Tweed.

Issuing
 provisions.

It is the Governor's directions, when the settlers, laboring people,
 &c., victualled by Government, receive their provisions at the
 store to-morrow, that they are inform'd it is expected every indi-
 vidual of the different messes do make their appearance at the
 victualling store on the following Saturday, Oct'r 8. No provi-
 sions will be issued for those who do not, or if any shall neglect
 to attend agreeable to this information immediate search will be
 made after them.†

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

15 Oct.

15th October, 1796.

Parole—Hibernia.

Countersign—Caledonia.

Certificates
 of
 victualling.

It is the Governor's orders that all those laboring people who
 are out of their time and not employ'd on public work, and who
 have already received certificates that they are not victualled by
 Government, do bring in their certificates that they may be re-
 new'd at the Commissary's office by Monday the 24th instant ; and
 that those who have lately been discharged from the victualling-
 books without having received a certificate of such discharge do
 apply at the same time for them. All settlers and other persons
 are hereby forbidden to employ any extra people but those who
 produce a certificate of their being so discharged, and at their own
 disposal.

JNO. HUNTER.

* Ensign Brock died at Sydney four weeks after the arrival of the Ganges.—Post, p. 240.

† The reason for the issue of this Order was the discovery that provisions were at times
 obtained simultaneously at Sydney and Parramatta for the same mess.

NORFOLK ISLAND.

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CONDITION OF NORFOLK ISLAND.

1796

By Lieutenant-Governor King.

18 Oct.

18th October, 1796.

Inhabitants (Civil) consists of the Lieutenant-Governor, Judge-Advocate, Deputy Provost, Deputy Commissary, and an assistant surgeon, to whom may be added a storekeeper, an acting master-carpenter, beach-master, and one superintendant. Civil and military.

Military consists of a captain, three subalterns, and a company. The whole number of the civil and military, with their wives and families, is one hundred and twenty.

Settlers are four seamen, who belonged to his Majesty's ship *Sirius*, and fifteen marines, who were discharged at the relief of that detachment, and became settlers in January, 1792. Free settlers.

Also fifty-three settlers from those whose terms of transportation is expired, three officers, and others who held ground by grant or lease, or who have purchased allotments from settlers; also fourteen from those whose term of transportation is unexpired, and who hold allotments exceeding five acres. The whole number of which (exclusive of the officers), with their families, is about two hundred and forty-one.

Men and Women whose Terms of Transportation are Expired.— Expirees.
One hundred and forty-nine men and sixty-three women of this description support themselves by hiring ground from settlers, working for individuals, or at their different callings. Some few are employed as overseers, and working for the publick, for which they are clothed and fed from the stores, and further recompensed according to their merit. The number of this class, with their women and children, is about two hundred and thirty.

Male Convicts who remain under the sentence of the law are as follows :— Male convicts.

For life	36
From 10 to 5 years	10
„ 5 to 3 „	4
„ 3 to 1 „	26
„ 1 year to six months	60

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Of which number five are assigned to settlers and others, on condition of their maintaining them; the rest are employed as stated in the following page. From which it will be obvious that no progress in cultivation for the Crown can be made, as not more than thirty men are employed in cultivating ground for the public advantage, which is much interrupted by incidental work, and attending the artificers in carrying on the different buildings, which are indispensable. Government work.

1796		NUMBER and Employment of every Person resident on Norfolk Island, 16th October, 1796.	
18 Oct.			
Population.		<i>Males.</i>	
Males.			
	Lieutenant-Governor and officers of the civil department	...	5
	Convicts allowed do.	...	26
	One captain, 2 ensigns	...	3
	Convicts allowed do.	...	22
	Non-commissioned officers and privates of the detachment	...	71
	Convicts allowed do.	...	3
	Convicts allowed guard...	...	2
	Storekeeper, 1; superintendant, 1; master carpenter, 1; beach-master, 1	...	4
	Convicts allowed do.	...	13
	Overseers, 9; convicts, men, and boys allowed do., 9	...	18
	Settlers from marines and seamen, independant of the stores...	...	8
	Do victualled for working for the publick	...	11
	Do from convicts who have served their term of transportation, and who are independant as above	...	38
	Do victualled for working for the public	...	19
	Free men who are not settlers	...	2
	People whose terms of transportation are expired, and who work for their living among settlers and others	...	144
	Convicts who are taken off the stores by the settlers and others to assist them in clearing their ground, &c.	...	5
	Employed at public cultivation—		
	At Sydney, 16	...	28
	At Queenboro', 12	...	
	Boat's crew, 5; constable, 1; watchmen (who are invalids), 8	...	14
	Carpenters, 13; sawyers, 8; boatbuilders, 2	...	23
	Stonemasons, labourers, and quarrymen	...	5
	Blacksmiths, 3; tool-helver, 1; charcoal-burners, 3; shingle-makers, 2; glazier and painter, 2; grooms, 2; mak'g salt, 2	...	15
	Barbers, 2; bakers, 2; shoemakers, 3; taylors, 4; hospital, 1	...	12
	Millars, 2; butcher, 1; jailer, 1; ropemaker, 1	...	5
	Schoolmaster, Commissary's clerks	...	5
	At the stores, 4; flax manufactory (with 9 women)	...	13
	Stock, 8; granary and barn, 1; gardeners, 2	...	11
	Men allowed marine settlers, &c., for working at their different trades	...	5
	At Phillip Island, taking care of the stock	...	3
	Total males	...	533
Females.			
	Wives to civil and military, 11; children, 24; free women, 2	...	37
	Settlers' wives, and those who have served their terms of transportation, and who are independant of the provision store	...	64
	Wives and women living with overseers, and washerwomen, and having young children	...	61
	Working at the flax manufactory	...	9
	Making slips and nursing	...	20
	Children supported by their parents	...	64
	Do victualled from the stores	...	99
	Total females and children	...	354
	Total males	...	533
	Females and children	...	354
	Number in the settlement	...	887

Land.—The island contains about 11,000 acres. In the level grounds, where the earth cannot be washed away by heavy rains, the soil varies from a rich brown mould to a light red earth. These soils are again varied by some extensive pieces of light black mould and fine gravel, which is found to produce the best wheat. The heavy rains which fall during the winter months wash the earth from the sides of the steep hills into the bottoms, leaving a marly substance, which will not admit of cultivation in that state; but this is only the case with the very steep hills that are cleared of timber, and have been four or five years in cultivation, as those of an easy ascent preserve their depth of soil, many of which have borne six successive crops of wheat. Owing to the quantity of soil washed from the sides of the steep hills into the bottoms (some of which were only a waterway between the hills), they are now level spots of ground, covered with great depth of the richest soil. Of the 11,000 acres of ground in this island, there are not 200 that could not be cultivated to the greatest advantage, if cleared of timber, and a sufficiency of people, cattle, and ploughs were on the island.

1796

18 Oct.

Nature and
extent of
land.

The manner in which the land is occupied.—The ground cleared of timber for the public use, and that marked out for the settlers' lots, occupy a great part of the island, and is distributed in the following manner, viz. :—

Alienated
and cleared
land.

To whom allotted.	Number of acres.	Acres cleared of timber.
Ground allotted to settlers on grant or lease	3,239	920
" " officers, by grants, lease, or permission ..	132	132
" " to individuals of different descriptions ..	100	100
" reserved for Government, and contiguous to the above allotments	1,400	None.
" cleared of timber, and has been occupied for the public benefit	376	376
Total quantity of ground occupied as above	5,247	1,528
Supposed contents of the island, about	11,000	....
" quantity of ground unoccupied, about	5,753	....
" " " not cleared of timber	9,472	....

Cultivation.—Most of the ground cleared of the timber was under cultivation in 1793 and 1794, and produced about 34,000 bushels of grain, but from the sudden and effectual check given to private industry during the year 1794, and the great proportion of the labourers working for their own support, and otherways disposed of, not more than a third of Government ground and a fifth of the ground belonging to individuals was in a state of cultivation during the last year; that portion of ground thus neglected became overrun with rank and strong weeds, which is a great cover to the numerous rats there are on the island, exclusive of the injury done the soil by the growth of these weeds. However, from the humane attention shewn to the wants of the industrious

Produce
of the land.

- 1796 individual by Governor Hunter in directing the maize-bills to be
18 Oct. paid (which proceeding has since been sanctioned by his Grace the
Duke of Portland), I hope that step will not only relieve many
deserving people, but also renew that industrious disposition which
the settlers have in general shewn.
- Public labour. The few men at public work, and the labour necessary for pre-
paring the ground to receive wheat, did not admit of more than
100 acres of wheat and 18 of maize being sowed last year for the
Crown. But the produce of the wheat was much reduced by the
quantity of weeds that grew with it, and by some severe lightning
when in blossom.
- Wheat. *Crops.*—Cultivation on this island is generally confined to maize,
wheat, potatoes, and all kinds of garden vegetables. The heat of
the climate, occasional droughts, and blighting winds render wheat
an uncertain crop. Nor can it be averaged at more than 18 bushels
an acre, altho' some have yielded 25.
- Owing to the quick and constant growth of rank weeds, few
individuals can sow more wheat than is necessary to mix with
their maize, which hitherto has rarely exceeded 5 acres each.
Some few among the settlers who are remarkably industrious, or
who have greater advantages than others, have generally from 5
to 11 acres in wheat.
- Maize. The harvests of maize are constantly certain and plentiful, two
crops of which are generally procured in twelve months. The
produce of one crop may be averaged at 45 bushels per acre, and
many have yielded from 70 to 80.
- Method of cultivation. To procure two crops of maize, or one of wheat and one of maize,
in twelve months, i.e., from June to June, the following plan is
observed, viz. :—The ground, owing to its extreme fertility, needs
no other preparation than cutting off the weeds, and planting the
maize from June to August. Seldom more than one good hoeing
is required. In October and November the cobs are full formed
and the tassels are dry. About this time the spaces between each
hole is planted with the second crop of maize. In December and
January the first crop is gathered. Taking up the stalks of the
first crop loosens the mould round the plants of the second crop,
which are now 6 inches high, and are immediately hoed. If it is
intended to sow wheat for the first crops of the succeeding year, it
is necessary to give this second crop at least three hoeings to keep
the ground as clear of weeds as possible. The second crop of
maize is gathered by the beginning of May, and is always much
more productive than the first, though liable to be mildewed. If
April and May happen to be wet months, which is often the case,
the wheat is sowed (for one crop of wheat and one of maize) from
the beginning of June to the latter end of July, and is housed by
Christmas Day; the stubble is cleared off as fast as possible, and
as much rain generally falls in January, maize is then planted,
- The second crop.

which comes off the ground in April and May. Sometimes potatoes are planted for a second crop, and yield an abundant encrease. It is much wished that a regular course of crops could be observed, but the want of cattle, ploughs, and labourers, with some other local objections, prevent that desirable mode of cultivation from being followed.

1796

18 Oct.

Potatoes.

By the statements in page 147 it appears there are 5,247 acres occupied, out of which only 1,528 are cleared of timber. Also that there remains 5,753 not occupied and uncleared, making in the whole 9,472 acres not cleared of timber. If 6,000 out of the 9,472 acres not cleared could be put under cultivation, in addition to the 1,528 already cleared of timber, its produce at one crop only, and allowing no more than 30 bushels of maize to the acre, would be 225,840 bushels of grain, which might be doubled if there were labourers to procure a second crop.

Proportion of cleared ground.

The remaining 3,472 acres might be reserved for fuel, wood for buildings, and other purposes.

India corn must be ever considered the principal produce of the island for furnishing the inhabitants with bread, and which can never fail of being abundant for that purpose, as well as feeding stock. The few labourers at publick work has not allowed of any wheat being sowed this year for Government; but as individuals will continue to raise that grain their overplus will be purchased, as flour being mixed with the meal of Indian corn makes it much better. From the great quantity of Indian corn still remaining in the stores, and what will be raised this year by the few convicts at public labour, I do not think it will be necessary to purchase any of that grain this year, unless future circumstances should require it.

Indian corn.

Account of grain raised by those employed in cultivating ground for the public use, and that raised by officers, settlers, and others, on Norfolk Island, from the 6th March, 1788 (when it was first settled), to the 18th October, 1796:—

Year.	By whom raised.	Quantity of maize and wheat in bushels.	Bushels of maize and wheat purchased from individuals for the public use.	Quantity of maize and wheat raised 1788-1796.
From—				
March, 1788, to May, 1790.....	Government ..	46		
	Individuals ..	10		
May, 1790, to May, 1790*	Government ..	450		
	Individuals ..	50		
May, 1791, to May, 1792	Government ..	1,688		
	Individuals ..	391	40	
May, 1792, to May, 1793	Government ..	4,549		
	Individuals ..	6,900	3,610½	
May, 1793, to May, 1794	Government ..	6,000		
	Individuals ..	28,676	11,688	
May, 1794, to May, 1795	Government ..	3,300		
	Individuals ..	14,000	None.	
May, 1795, to October, 1796.....	Government ..	1,803		
	Individuals ..	11,500	380	
		79,363	15,727½	

* I was absent this year.

1796 *Fruit-trees.*—The sugar-cane of which the different inclosures are made is extremely luxuriant, and grows to the greatest perfection. Some sugar and a small quantity of spirits has been made. It is to the great quantity of sugar-cane that I attribute the success the inhabitants have met with in rearing such a number of swine.

18 Oct. *Sugar-cane.*

Bananas. The bananas found on the island, and those brought from the Brazils, grew to a very great perfection, the bunches weighing from 40 to 80 lb. each. Of guavas and lemons there is a great abundance. The apple-trees brought from the Cape in 1791 have borne very fine fruit. Two weak coffee-plants, brought in 1791, are now healthy trees, bearing upwards of 20 lb. of berries each; from the luxuriance of their growth, great quantities might easily be raised. Cotton has also done well, altho' but little of it has been cultivated, as I am told it is a bad kind. But such is the fertility of the soil, and the favourableness of the climate, that all European and most tropical productions would thrive extremely well if seeds or plants could be sent.

Miscellaneous fruit-trees.

Live Stock.

Live stock.

STATEMENT of Live Stock in possession of Government and private individuals.

To whom belonging.	Cattle.		Horses.		Asses.		Sheep.	Goats.	Swine.	Poultry.
	M.	F.	M.	F.	M.	F.				
Government . . .	3	3	2	4	22	55	710	A great abundance.
Individuals . . .	..	..	1	2	..	..	148	328	4,125
Increase, living . .	3	3	1	2	2	4	170	383	4,835	
Do. killed, and taken away . . .	..	..	..	..	..	..	34	6	4,972

Stock killed for food.

Exclusive of the above increase, many of the swine were killed during the scarcity of provisions, from May, 1792, until the following September; since when no reduction has taken place in the established ration (excepting in January, 1794, when I learnt there was no salt provisions in the stores at Port Jackson. As we had at that time eleven months' meat at a full ration, I caused the reduction of 3 lb. a week to be made here to enable me to send a supply in case it should be demanded). That reduced ration continued only four months. From the quantity of grain raised, and other natural resources for breeding swine, that stock increased so much about June, 1793, that I directed swine's flesh to be purchased and issued in lieu of salt provisions, receiving it in such proportions as not to hazard a decrease of the sows, the purchase being occasionally confined to hogs. The quantity purchased and issued up to this date is 236,292 pounds, at 5d. and 6d. p. lb., which has made a saving in the stores of an equal quantity of salt meat, exclusive of 14,408 pounds furnished from Government stock for the same purpose; 286,000 pounds has been killed by individuals.

The meat supplies.

for their own use, and 59,980 pounds supplied masters of ship and taken from the island by people returning to Port Jackson, making in the whole 536,700 pounds. 1796 18 Oct.

When the settlers were informed that payments for the 11,476 bushels of maize which they had lodged in the stores in January, 1794, could not be made until orders were received from England, and that no more grain could be received, but that the purchase of fresh pork would be continued, the course of their industry became changed, altho' raising grain still continued necessary for rearing their stock. The purchase of maize.

On most part of the 9,472 acres not cleared of timber the trees and underwoods are covered with the most succulent herbage, which, with the fern and other soft roots, afford the best of food for swine. Several individuals have taken advantage of this convenience by inclosing from 10 to 100 acres of the uncleared parts, into which they turn their swine. Several individuals have from 20 to 150 confined in this manner that require no other attention or care than giving them a sufficiency of maize to accustom them to their owners' call. Indigenous plants as food for swine.

A great resource for animal food has been found in Phillip Island, which has abounded with the best of food for swine, many having been raised and brought from thence. The great drought during the first part of this year, and the quantity of swine on the island, has destroyed a great part of the weeds and grass on which they fed, insomuch that I found it necessary to get as many from thence as possible. But those that were first sent and their increase are so wild that I do not think they will be easily caught. Several hogs brought from thence have weighed, when fattened, from 180 to 300 lb. An extensive inclosure of 100 acres is made on Norfolk Island, on account of Government, within which there were upwards of 400 swine when counted last month (in September). In this inclosure they are fed with maize, on which, and the herbage, they increase and thrive very well. Swine on Phillip Island.

Making salt and salting pork has been successfully tried in the winter months, but it will not answer in the summer. It is intended to salt all the swine belonging to Government that can be killed during the winter, as I hope a sufficiency of salt will be made to answer that purpose. Salting pork.

From these resources it may fairly be presumed, if no unforeseen mortality should attack the stock, that the settlers and other individuals will be able to continue supplying the stores with half the ration of animal food, and that Government, in the course of twelve months, may furnish the other half; and if the industry of the settler and other individuals is encouraged, by their overplus grain and animal food being purchased, and that there were more labourers who have a term of years to serve, the produce of the grounds now cleared is more than sufficient for the maintenance Food supplies.

1796 of the present inhabitants—337 of whom support themselves without any expence to the Crown, which would be further secured if cattle and sheep could be sent here, as the former are much wanted for labour, and the latter for a change of food, as it is certain that sheep breed as well here as in any part of the world, and have not as yet been subject to distempers common to that kind of stock. The Cape ewes have not bred; but the Bengal ewes year twice in the thirteen months, and have commonly two, often three, and sometimes four lambs at a yearling, which have increased so much in size by being crossed with the Cape ram that a lamb six weeks old is now as large as one of the old ewes brought here in May, 1793.

Goats. The goats are extremely prolific, and generally breed thrice in the year. They commonly have from two to four kids at a time.

Any number of sheep, goats, and a quantity of cattle might be bred here, as the cleared grounds afford the best of pasture for these species of stock. But it will be a length of time before the increase of the few cattle, horses, and asses now on the island will be of much use, unless more are sent.

Poultry. From the small quantity of poultry on the island in November, 1791, so great an abundance has been raised that the quantity taken away since that time is not less than 900 dozen, besides those consumed on the island. Innumerable quantities of fowles and many turkeys are wild in the woods, where they not only breed and increase, but are also of great service in destroying the caterpillars and grubs with which the island was much infested; but during the last three years little or no inconvenience has been felt from them, which I attribute to the swine and wild poultry.

Expense of rations. It is now eleven months since a full ration, and three years since smaller proportions of fresh pork, has been issued to those victualled from the public stores, the expence of which to the Crown, with the present number of full rations, is thus explained:—

By the receipts, issues, and vouchers, it will appear that from February 19th to May 21st (viz., 3 months), about 480 full rations have been victualled from the stores, at 7 lb. of fresh pork each week. To supply this consumption:

	£	s.	d.
Cost of food supplies.	44,638	lb. of fresh pork have been supplied by individuals at 6d. per lb., making the sum of	1,115 19 0
	And that the quantity supplied by Government between the above dates is 6,525 lb., which at 6d. p. lb. makes a saving of	163 2 6	
	Expence quarterly	952 16 6	
	yearly	3,811 6 0	
	Quantity that may be supplied from Government stock during the remaining 9 months may be about 12,200 lb., which makes a farther saving in the course of the year of	300 0 0	
	Total expences for one year in animal food	3,511 6 0	
	Savings made by 350 full rations who support themselves throughout the year in animal food, &c.	3,185 0 0	

The above calculation only respects animal food.

From the preceding statements a calculation may be formed of the number of people Norfolk Island will maintain. And in forming an opinion on this head, I am persuaded that 2,000 people might be maintained almost immediately with grain and a great proportion of animal food ; but to keep up a supply of meat, salt provisions would be necessary for the increased number of inhabitants for one or two years, which, with the addition of six or seven hundred ewes, might soon supply that number with animal food, which kind of stock would be much easier raised and with less expence than swine, exclusive of the benefit attending a change of food.

1798

18 Oct.

Capabilities
of Norfolk
Island.

Manufacture of New Zealand Flax.—Not more than nine women and thirteen men (mostly invalids) can be employed preparing and manufacturing the flax. If there were slays or reeds, brushes and other articles, indispensibly necessary for flax dressing and weaving, with more people to work the flax, and weavers, this island would require very little assistance in cloathing the convicts; but the only cloth that can be made, for the want of these necessary articles, is a canvas finer than No. 7, which is thought to be equally strong and durable as that made from European flax.

Flax-
dressing.

This necessary plant needs no cultivation, yet that experiment has been made, and has answered extremely well, but it is not so much superior to that growing in its natural state as to bestow any pains on its cultivation.

Until the arrival of the two New Zealanders in May, 1793, no desirable progress was made in its manufacture, nor was it without much entreaty that our visitors gave the information we wished. As this work is principally performed by the women in New Zealand, our friends were by no means equal to give us the fullest instructions, yet sufficient was obtained to improve upon.*

The New
Zealand
natives.

The following is the method practised by the New Zealanders and the people on this island in manufacturing the flax.

When the leaves are gathered, the stalk running through the centre is taken out with the thumb-nail, and the red edges of the leaf are also stripped off. The two parts are then separated in the middle, making four slips of about $\frac{3}{4}$ of an inch wide, and the length of the leaf, which is from 18 inches to 3 or 4 feet. These slips are cut across the centre with a muscle-shell, but not so deep as to separate the fibres, which is the flax. The slips thus prepared are held in the left hand, with the thumb resting on the upper part of the slip, just above the cut. The muscle-shell, held in the right hand, is placed on the under parts of the slips, just below the cut ; with the thumb resting on the upper part, the shell is drawn to the end of the slip, which separates the vegetable covering from the flaxen filaments. The slip is turned, and the same operation is performed on the remaining part, which leaves the flax entire. If it is designed for fishing-lines, or other coarse work, nothing more

Method of
manufactur-
ing flax.

1796
18 Oct.

Improvements in manufacturing flax.

is done to it ; but if intended for cloth, it is twisted and beat a considerable time in a clear stream of water, and, when dried, twisted into such threads as the work requires. I have before observed that our visitors were not very conversant in the mode of preparing the flax, yet sufficient was learnt to improve upon. Instead of working it as soon as gathered, we find it works better to place it in a heap in a close room for five days or a week, by which means it is softer and pleasanter to work. We also find it easier and more expeditious to scrape the vegetable covering from the fibres, which is done with three strokes of a knife ; it is then twisted and put into a tub of water, where it remains until the day's work is finished. The day following it is washed and beat in a running stream. When sufficiently beat, it is dried, and needs no other preparation until it is hackled and spun into yarn for weaving.

Capabilities of producing merchantable articles.

This flax needs no cultivation, as it grows sufficiently abundant on all the cliffs of the island (where nothing else will grow) to give constant employment to five hundred people ; and should it be thought an object, any quantity of canvas, rope, or linen might be made here, provided there was men, women, weavers, flax-dressers, spinners, and ropemakers, with the necessary tools. But as we are destitute of these aids, keeping in practice the few that can be spared from other essential work is all that can be done at present. If a machine could be so constructed as to separate the vegetable covering from the flaxen filaments, any quantity of this useful article might be prepared with great expedition.

Classes of Inhabitants and Hours of Labour.—To explain this article it is necessary to state the different descriptions which compose the inhabitants, to do which the method of classing them appears the clearest that can be adopted.

Proportion of various classes.

Classes.	Descriptions.	Numbers.	By whom supported.
1st.	Civil and military	83	Government.
2nd.	Settlers, by grant or lease, and free men, who are under-tenants to the settler.	104	Labour.
	Free men, who are hired by the year, &c., or who hire themselves out daily	138	do
	Convicts who are taken off the stores by officers, &c.	5	do
3rd.	Do assigned to officers, &c.	67	Government.
	Do employed as overseers, artificers, watchmen, &c., for the public benefit, many of whom are invalids	106	do
4th.	Do cultivating ground for the public use, and other incidental work	30	do
	Total males	533	
5th.	Women belonging to civil and military, and at public labour	40	do
	Do who belong to the 2nd, and part of the 4th class of men	125	Labour.
	Children belonging to the 1st and 4th class	116	Government.
	Do to the 2nd and 3rd classes	73	Labour.
	Total females and children	354	

By this statement it appears that not more than 136 men, which compose the 4th class, are employed in carrying on all public work. Only 28 of them can be employed (when other works of public necessity do not intervene) in raising grain, &c., without expence to the Crown, for the 1st, 3rd, 4th, and a part of the 5th classes, making together 442 persons; from which circumstance the necessity of continuing to purchase grain and animal food from private cultivators is obvious until more labourers are employed at public work.

1796
18 Oct.
Public servants.

Those of the 4th class who work as carpenters, sawyers, blacksmiths, &c., work from daylight to 8 o'clock, from 9 till noon, and from 2 in the afternoon till sunset, and, as long as they do their work properly, they have Fridays and Saturdays to themselves, which they employ in working at their grounds, or in building, &c., for individuals. As those works are of a private nature, altho' they become more or less of a public utility, the artificers are indulged with the use of Government tools and such materials as can be spared.

Hours of labour.

Those employed at cultivation and other incidental labour for the public benefit work at all seasons from daylight until 1 o'clock, which is found much more eligible than dispersing them at the hours for meals, and collecting them again to resume their labour. As very few of this description have any person to dress their meat, by this management they have a great part of the day at their own disposal. Those who are industrious employ a great part of their leisure time in cultivating pieces of ground for their own use, or labouring for others.

Agricultural labourers.

The 2nd and a part of the 5th classes, making together 331 persons, support themselves by the produce of their labour, at no expence to the Crown, as the cloathing they and the settlers are occasionally furnished with from the stores is paid for in grain or stock.

Self-supporting residents.

Price of Labour among Individuals.

The labour market.

The general price of labour among the inhabitants is as follows, viz. :—

To a convict taken off the stores by an officer or settler, from 5 to 6 £ per annum.

To a free man, hired by the year, victualled and cloathed, from 10 to 12 £ per annum.

A day's work for a labourer, with victuals, is 3s. ; without, 5s.

Cutting down and burning off an acre of wood, £2.

Do do do of weeds, £1 10s.

Thrashing one bushel of wheat 10 lb., equal to 1s. 8d.

Other works in proportion. The mode of paying for labour is various, and entirely depends upon the employer's circumstances; but is in general made by what arises from the grain or fresh pork put into the stores by settlers, &c., sometimes (but very rarely, from its scarcity) in cash; and often by equal labour or by pro-

Payment in kind.

1788
do. do. duce, which is rated as underment. To prevent disputes, those agreements, as well as all others, are entered in a book kept for that purpose and properly witnessed.

Provisions.

The Prices of Provisions raised on the Island.

THE following are the average prices of provisions raised on the island either for sale, barter, or in payment for labour, viz:—

Plentiful Articles.

Prices current.

Fresh pork, - 6 $\frac{1}{2}$ lb.	Potatoes, from 1 - to 3 $\frac{1}{2}$ p cwt.
Pickled do. - 4 do.	Full-grown fowls, - 6 to 1' - each.
Wheat, from 7 $\frac{1}{2}$ to 10 - 6 bush.	" Ducks, - 10 to 1 $\frac{1}{3}$ "
Maize, .. 1 $\frac{1}{2}$ to 5 - "	" turkeys, 7 $\frac{1}{2}$ "

Scarce Articles.

Goats, 10' - each.	Goats' flesh or mutton to Govt., - 9 $\frac{1}{2}$ lb.
Small goats, 28 do.	" " individuals, 1 $\frac{1}{6}$ do.

N.B.—When the latter is taken into the stores for the sick it is issued as 5 lb. of mutton for 7 lb. of salt beef—stopped in the stores—by which means Government does not pay more than 6d. 7 lb., as for fresh pork.

Irregular supplies.

Numerous inconveniences and much real distress has been felt by all the inhabitants on Norfolk Island for the want of some regulation respecting the supply and purchase of absolute necessaries for the use and comfort of their families.

To remedy these inconveniences, only two means present themselves, viz:—

A Government-controlled monopoly.

First.—By Government giving an exclusive licence to some merchant or merchants to supply the colonists with a sufficiency of requisite articles, recruiting those or substituting others yearly, according to the demand or recommendation of the Governor, fixing the profits of the merchant at such a rate as to make a fair advantage by his undertaking, and to free the inhabitants from the great impositions they have so long laboured under by the advantages taken of their wants.

A Government store.

Secondly.—By Government sending a yearly assortment of such requisite articles as may be pointed out by the Governor as useful and necessary for the use of the inhabitants; to be consigned to the Commissary or store-keeper, for the use of such officers and inhabitants as the Governor may approve of, in payment of articles of food supplied by individuals for the use of those victualled from the public stores, or for money in good bills on the paymaster of the corps or on England.

How far either of these plans would be proper or advisable for Port Jackson depends on the local circumstances of that place, which I am not sufficiently informed of to offer an opinion on what may or may not be necessary for that settlement. I shall

therefore confine myself to Norfolk Island, trusting that my proposing those plans will appear equally necessary for the advantage of Government and the common welfare of a spot so completely separated from the rest of the world as Norfolk is, from its distant situation.

1796

18 Oct.

From March, 1788, when the island was first settled, until the present period (October, 1796), those who have been victualled from the publick stores have received provisions and cloathing, &c., gratis, which was the case with every description of people during the first three years, when most of those who had expiated the sentence of the law and did not labour for the publick benefit, as well as the settlers whose term of being supported by the Crown expired, ceased drawing any support or assistance from the publick stores.

Colonists fed and clothed by the State.

The latter, i.e., the settlers and free men, with some of the officers and other individuals, have, by their industry in clearing and cultivating farms, lodged a sufficiency of grain and animal food in the stores to enable them to obtain a scanty supply of such articles of use or comfort as they needed, altho' at a most extortionate price too often demanded by the dealer on this island, who is compelled to pay an advance of two or three hundred p. cent. above the price paid at Port Jackson, which in general stands the consumer in 1000 p. cent. above the value in Europe or India.

The cost of living.

Every precaution has been ineffectually used to prevent the greatest part of the cloathing and other necessarys issued to those at publick labour from being bartered with the settlers and soldiers, very often in exchange for the momentary pleasure of being intoxicated with a pint of spirits for a new shirt, which the settler purchases from the dealer, often at the rate of £4 p. gallon, and never less than 30s. (until the wine and spirits were purchased from the master of the Cornwallis, in June last, on the part of Government, at 8s. 6d. p. gallon, and given out to the settlers at 10s. for the wine and 12s. p. gallon for ye spirits, in payment for animal food and grain furnished the stores). Thus Government remains at a constant expence for the stores and cloathing, without a prospect of its being materially lessened, and the private cultivator's labour being sacrific'd to the improper advantages taken of their wants.

Improvident convicts.

By adopting either of the proposed plans the inhabitants will be assured of a certain supply of articles, equally useful as necessary, at a fixed price. They will in general be more contented in their situation than they have been hitherto, owing to the oppressive monopolys that have existed, and the mortifying hardships they have constantly experienced for want of those necessarys that have abounded so much at Port Jackson, which the inhabitants on Norfolk Island have either been totally excluded from, or procured a scanty portion at a most exorbitant rate.

A regular supply.

* * * * *

1796
18 Oct.
Cost of
provisions,
1795-1796.

ABSTRACT of Expenses respecting Provisions incurred on Norfolk Island, from 31st July, 1795, to October 18th, 1796.*

Time.	Nature of Expense.	£ s. d.
From July 31st, 1795, to Febr'y 10th, 1796.	77,562 lb. of swine's flesh, purchased from settlers and others, at 6d. per lb., and issued in lieu of salt provisions to those victualled from his Majesty's stores	1,039 1 0
February 18th, 1796	232 bushels of wheat, at 10s. per bushel, to be issued to those victualled as above	116 0 0
Ditto	93 swine, 8 goats, and 128 bushels of wheat, purchased, belonging to officers going and gone to Port Jackson, as per vouchers sent	199 9 0
February 19th, 1796, to May 30th, 1796.	48,320 lb. of swine's flesh, at 6d. per lb., issued in lieu of an equal quantity of salt meat	1,208 0 0
May 30th 1796, to October 18th, 1796.	2,413 gallons of wine and spirits, purchased for the use of Government, at 8s. 6d. per gallon, viz., 60 for the hospital; 2,353 given in payment for 140 bushels of wheat, at 10s. per bushel; 443 bushels of maize, at 4s. per bushel; 41,008 lb. of fresh pork, at 6d. per lb.; and in payment to soldiers for publick work—the spirits at 12s. and y ^e wine at 10s. per gal'n	1,025 10 0
	Two tons of sugar, at 1s. per lb.	200 0 0
	17,031 lb. of swine's flesh, at 6d. per lb., and issued in lieu of salt beef	425 15 6
		6,113 15 6

* This return is continued from n. 316 of Vol. II.

ESTIMATION of the Expenditure of Public Buildings erected on Norfolk Island (calculating the labourer's ration and cloathing at £19 p. annm.), exclusive of the value of materials, such as iron-work, paint, and glass, &c.

1796

8 Oct

Public buildings.

How occupied.	Feet long.	Feet wide.	Feet high.	Year built.	No. of Men employed.	Time employed.	Amount
SYDNEY.							
BUILT OF STONE.							
Government House	60	32	13	1792	40	1 yr. Mon.	£ 700
Barracks	80	26	12	....	30	6	285
Store-house	do.	do.	12	1793	40	do.	380
Surgeon's house	40	18	9	1793	30	4	285
Magazine	14	14	6	....	10	3	51
Officer com'g soldiers	56	18	9	....	30	4	285
School-house	do.	do.	9	1794	20	3	204
Jail	do.	do.	9	....	20	do.	204
Provost-Marshal	50	14	7	1793	30	6	285
Bakehouse	24	12	7	....	10	3	51
Officers' quarters	40	14	8	1795	30	6	285
Judge-Advocate	28	18	10	1796	30	6	285
FRAMED AND WEATHER-BOARDED.							
Barn	30	16	17	1789	12	3	57
Two officers' quarters	20	12	7	....	10	6	102
Commissary's house	40	14	7	1793	20	4	136
Three granaries	different sizes.			1792 and 1794	20 to 40 each.	3 ea.	612
Water-mill, dam, &c. .. .. .	..	..	..	1795	40	3	253
By ye family on Phillip Island	18	14	6	1796	10	2	34
Women's hospital	50	14	7	1795	10	4	63
Mill-house for quarries	35	14	6	1794	10	2	34
Dwelling-house for the master carpenter	20	12	6	1793	10	2	34
Total expense of buildings at Sydney							£4,685
QUEENBORO.							
Superintendent	30	12	7	1793	10	3	272
Barn	55	18	6	1794	10	3	51
Granary	38	16	12	....	10	..	51
Two houses for convicts	38	18	18	1794	20 ea.	4 ea.	272
PHILLIPBURG.							
Storekeeper	20	24	8	1792	20	4	136
Assistant surgeon	20	24	8	do.	..	..	136
Flax-house	40	18	10	1794	10	2	34
Store-house	50	24	12	....	10	3	51
Barracks	28	12	7	....	10	2	34
Superintendants	28	12	7	....	10	3	51
Barn	55	24	12	1796	10	6	102
Wharf and crane .. .. .	..	..	..	95 & 96	60	3	289
Guard-house at Sydney	27	17	8	1794	10	3	51
Total estimation of ye value of public buildings							£6,215

N.B.—Exclusive of the above, several other smaller buildings have been erected by Government.

Buildings.—At Cascade Bay a great advantage has been obtained in the construction of a very strong wharf, 126 feet long, which connects the shore with the landing-rock, at the end Cascade Bay.

- 1796 of which is a swinging crane and capstern, by which the boats are
18 Oct. loaded and unloaded with the heaviest articles, and hoisted up
with perfect safety.
- Shipping
accommoda-
tion. Near this wharf a large storehouse and barracks for the guard
are built. From the advantage attending this work no risque need
be hazarded by ships keeping in Sydney Bay, as the landing is
generally good at Cascade Bay, when it becomes the least hazard-
ous at the former place. And here I cannot omit the satisfaction
I feel in reflecting that no casualty by accidents to boats has
happened since my return here in 1791.
- A water-
mill. The advantage of a well-constructed water-mill is sufficiently
obvious. From a late addition of 3 feet to the height of the dam
it will now grind 20 bushels of wheat daily, which has done away
the great inconvenience of every man being obliged to grind his
ration before it can be dressed. The abundance of millstones and
the quantity of wood fit for millwrights' work, with the situation
of the different streams, will admit of any number of water-mills
being erected.
- Two well-furnished windmills are also erected by settlers, which
answers extremely well.
- Settlers'
huts. Not more than ten settlers have been able to erect better
dwellings than log huts, which are neither warm or durable.
Better cannot be expected when it is considered how much their
labour and attention must have been employed in raising food
for their families and to procure such articles as they need ;
but many of this, as well as of other descriptions, are building
comfortable framed and weather-boarded dwellings at their own
expence.
- * * * * *
- Public
instruction. *Schools.*—Of schools there are now two, viz.: One for young
children, who are instructed by a woman of good character ; and
the other is kept by a man,* who teaches reading, writing, and
arithmetic, for which he is well qualified, and is very attentive. A
third institution on a permanent footing is added to those for the
reception of such orphan female children as have lost or been
deserted by their parents—most of them are of such an age as to
require a strict hand and eye over them. Unfortunately, those, as
well as the other children, are destitute of every article of cloathing,
except such as the stores affords, which is by no means calculated
for children in this warm climate. By the application of fines
imposed for breaches of the peace, &c., and a subscription raised
by officers, the most necessitous of those children were some time
past clothed, and about £28 now remains to be applied in the
same manner.
- * * * * *
- The
weather. *Climate.*—In summer the medium degree of heat is 87° in the
shade, and a southern aspect ; but it has frequently been as high

* Ante, p. 1 and p. 2 (note).

as 132° in the sun, and 112° in the shade. In winter the medium is 60°, and at times as low as 48°, without snow or ice, altho' very heavy hailstorms are frequent in August. Thunderstorms, attended with torrents of rain, are frequent about the summer solstice. Strong gales of wind at south-west are common from May to September, and attended with heavy dews; south-east winds, which are dry and parching, prevail from October to May. The only variation in these winds is that the new and full moon generally set in with violent gales of wind from east to north-east and north-west, which have a peculiar chilling effect after the close and hot north-east winds.

1796
18 Oct.
Climate.

The following is a correct statement of the births, deaths, &c., from November, 1791, to this date:—

ACCOUNT of Births and Deaths from November 12th, 1791, to October 18th, 1796.

Births.				Deaths.					Births and deaths.
Civil.	Military.	Convicts.	Total.	Civil.	Military.	Convicts.	Children.	Total.	
10	3	178	191	1	4	94	38	137	
Of the above number									
Have died.									
From 1 month to 2 years	..	38		Teething .. .. .	..	..	..	23	
" 2 years to 18 "	..	1		Dysentery .. .. .	..	..	..	45	
" 18 " to 30 "	..	37		Cholera morbus, 1; Obetipation, 1	..	..	..	2	
" 30 " to 45 "	..	30		Fevers, 7; Consumptions, 8	..	..	..	15	
" 45 " to 65 "	..	31		Debility .. .. .	..	..	..	22	
				Lues Venerea .. .. .	..	..	..	5	
				Dropsy, 3; Putrid Sore Throat, 1	..	..	..	4	
				Convulsions and Epilepsy .. .. .	..	..	..	4	
				Surfeit, 2; Scalded, 1; Abscess and Cancer, 2	..	..	..	5	
				Eruption, Scald Head, and Mortification	..	..	..	3	
				Illiac Passion .. .. .	..	..	..	1	
				Shot, 1; Casualties, 3; Executed, 1; Suicide, 3	..	..	..	6	
				Locked Jaw .. .. .	..	..	..	2	
Total			137	Total				137	

PHILIP GIDLEY KING.

SURGEON FITZPATRICK TO UNDER SECRETARY KING.

Sir,

Portsmouth, 23rd October, 1796.

23 Oct.

Your manner of receiving me when embarked on the part of a poor miserable convict emboldens me to state to you, for his Grace the Duke of Portland's information, the matters which have been done here, and those which I pray may be done at Cork, for the accommodation and health of the convicts embarked on board the Ganges.*

Health of
convicts on
Ganges.

* Collins (vol. ii, p. 36) remarked that the convicts were landed from the Ganges in much better health than those from the Britannia.

1796	My first object was, in as much as the mode of the original fitting the ship would allow, to favour the perpetual admission of as much pure air as possible. Then it became my concern to pay that attention to the poor women, which their conduct deserved, by placing them under the protection of their husbands, their merit in a conjugal sense being nearly unparrelled, sacrificing their all, and subjecting themselves to an ignominious banishment, thereby fulfilling the great and essential obligation of the marriage vow.
23 Oct. Ventilation.	
Separating married from unmarried convicts.	I railed off a part of the vessel where the convicts were confined and allotted it to the married men, their partners, and innocent orphans. By this alteration the poor women, in place of being subject (as they were before) to the insult of the ship's crew and the military guard, are now protected, and the space which they inhabited is now converted into an hospital apartment, well aired. I put on board ventilators and water-purifiers, also vitriol and nitre for fumigation, and such medicines as were required by Mr. Mileham; but there are matters which prudence and humanity dictate that I humbly pray you to have carried into effect, viz., the having the convicts when at Cove landed either on Spike or Holboland Islands, and lodged in the barracks for some days untill the ship can be cleansed and completely fumigated on my principle, as contained in the enclosed* general directions for embarked troops; and that they be supplied with vegetables, fresh meat, and malt liquor, and their salt provisions restrained whilst there, as is the case with soldiers, for otherwise I fear that the scurvy and destructive putrid fever will effect that which the humanity of the law and of Government never intended.
Preventive measures.	
Unhealthy conditions.	On the whole, my prayer is, if it is to be but for five days, that the prisoners be disembarked, and that the general transport-ship directions be fulfilled, and also that the convicts so long embarked, existing in the ship's womb, and perpetually inhaling their own putrid exhalations, and subsisting on salt, rancid provisions, may be supplied with vegetables, beer, and fresh meat; and that a good stock of potatoes, onions, and mustard be laid in on their new embarkation, with some small proportion of spirits, or rather malt liquor or molasses and spruce, to be used discretionally by the doctor.
Diet of women and infants.	The next and last matter which I earnestly beg to suggest is (altho' I fear it will be considered irregular by the agent at Cork, and am sensible the ship's steward will consider it troublesome) that the allowance or diet for the women and infants, in place of common ship's provisions, be interchanged for a like value of tea, cocoa, sugar, barley, raisins, and well-baked white biscuit, better adapted to their delicate stomachs, and perhaps infirm states.
The Britannia.	In respect to the Britannia, intended for the Irish convicts, altho' some improvements were absolutely necessary for her in

* The enclosure is not available.

point of accommodation, &c., none has been made here, but should not be omitted in Ireland.* I supplied her with air-machines, water-purifiers, and some of the essential materials for fumigation. The other matters I hope and pray may be done and supplied on the principle of the Ganges whilst she remains at Cork.

1796

23 Oct.

Being in daily expectation of having the happiness of seeing you on this and on another of my hobby-horsical subjects, I put off writing to the last moment ; but as it is an ill wind which blows favourable to none, the present one will afford you an opportunity of having his Grace's orders by the packet for Ireland before the arrival of the convicts there.

Having experienced the benevolence of Government, and the marked beneficence of certain of its members, I have only to wish you a long continuance of credit and influence to forward and execute the dictates of your own heart.

Benevolence
of Govern-
ment.

I have, &c.,

JAS. FITZPATRICK.

GOVERNMENT AND GENERAL ORDER.

25th October, 1796.

25 Oct.

Parole—Bridport.

Countersign—Hood.

MANY attempts having been made by the people who came out as convicts in the ships Boddingtons and Sugar-cane† to impose on the Governor and other officers with respect to their time of servitude, it is hereby strictly ordered and directed that no settler or other person do employ or harbour any of those people on the strength of the certificate they had formerly obtain'd, as it appears now that many of them have been transported for life.

Sentences of
convicts.

It is therefore the Governor's particular and positive directions that every person offering himself for employment on the presumption that his certificate is a sufficient voucher of his being at his own disposal be particularly examin'd relative to the ship he came out in, and also be desired to produce his certificate, which, as all former certificates have been called in, will be considered as useless unless signed by Mr. Williamson, the Acting Commissary.

Certificate of
freedom.

And it is hereby further ordered that, as many of the above-described prisoners (the Boddingtons' and Sugar-cane's) have absconded without having obtained a renewal of the certificate formerly granted them, all persons who are friends to good order do use their utmost endeavours to secure and bring to headquarters such impostors. Should it be hereafter discovered that any persons receiving indulgences from Government do refuse to

Absconders.

* The convicts on board the Britannia were landed in a very bad state of health. They complained to the Governor that they had been harshly treated by the captain.—Post, p. 240 of seq.

† These vessels arrived at Sydney on the 7th August, 1798, and 17th September, 1798, respectively, with convicts from Ireland.

1796 obey this Order, they will be depriv'd of that indulgence, and here-
 25 Oct. after considered as unworthy any attention from Government, and
 be treated otherwise as persons holding in contempt the public
 orders and regulations of the settlement. JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

29 Oct.

29th October, 1796.

Parole—Plymouth.

Countersign—Devonshire.

Convicts
obtaining
certificates
by false
pretences.

THE Governor thinks it necessary to give this public information to the inhabitants of the colony in general, that after his Order of the 25th inst., in which he pointed out a number of people, who by false pretences and various ——* practised upon officers who are not now upon the spot, had obtained certificates of discharge at their own request from the victualling-books of the settlement, he did not expect to have occasion to publish any other Order on that subject. He, however, feels himself compelled, as a duty he owes to his situation, to notice the turbulent conduct of those very people, who have not hesitated to use a language and threats which imply a determination to resist all authority, and further to declare, "That if any officer, civil or military, any settler or other person within this colony, shall, after Monday, the 7th of November (a time allowed for completing any work they may now be engaged in), retain in his or her service any one or more of the persons described in the above Order of the 25th, such persons will be considered as encouraging a set of lawless and seditious people, to the total expulsion of all order and Government, and to the weakening of his Majesty's authority in these settlements."

Not to be
harboured
by officers or
settlers.

Those who came to this country in the ships Boddingtons and Sugar-cane have had no cause to complain since they arrived in it. Such of them as have had only a bare probability of being out of their time have been granted certificates, as a proof that it was not intended to prevent them from serving themselves. The error respecting their time has been committed in Ireland,† and not in this country. To grant certificates to such as it is known are here for life would be the highest injustice to many others; such an indulgence is only to be obtained by a quiet, decent, and proper conduct.

Sentences
unknown in
colony.

If they are of opinion that to threaten will be the best means of obtaining what they want, they may repent that opinion when it will be too late. There will be no difficulty in furnishing them with a situation in this country, or some of its dependencies, where they will not be able to disturb the peace of their neighbours, and if they are troublesome here they shall certainly have that situation very soon. They have already been told that the Governor had represented in the most pressing manner to the Secretary of State

Warning to
turbulent
convicts.

* Word illegible.

† References to the lax system of acquainting Hunter with the duration of sentences of convicts from Ireland will be found at p. 82, ante, and at pp. 196, 236, 418, 492, 493, 508, post.

the necessity and justice of having those sentences sent out as early as possible, that the people concerned might be liberated the very day on which their sentence expired. It is therefore out of his power to do more for them at this time. 1796 29 Oct.

After having said so much, the Governor thinks it necessary to inform all the inhabitants of the colony, whether in a civil or military capacity, that he expects, as they value his Majesty's authority, the peace and civil government of the settlement, they use their utmost vigilance and exertions to preserve peace and good order, and to that end, that they aid and assist the civil power when and wherever it may be necessary, and also that they report all such persons as they may know are in any way active in opposition to this Order.*

Free inhabitants must co-operate with Government.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

9th November, 1796.

9 Nov.

Parole—District.

Countersign—Sydney.

In consequence of the very disorderly conduct and the frequent disgraceful breaches of the peace committed by many of the inhabitants of the town of Sydney and its neighbourhood, the Governor has thought it necessary to number the houses, and to divide the town into certain portions or divisions,† as a more ready means of having the well-disposed assisted by each other in suppressing all tumult and disorder, and of compelling a more decent attention and obedience to the laws and regulations of the settlement. It is therefore his Excellency's directions that the inhabitants of the different divisions do immediately proceed to elect from amongst themselves three of the most decent and respectable men residing within their divisions to be appointed as watchmen, for the purpose of enforcing a proper attention to the peace and tranquility of their respective divisions, and that the names of the persons so chosen be laid before him for his approbation. As this is a measure intended to promote the happiness and secure the property of the inhabitants generally, the Governor flatters himself that its necessity and utility will be seen by every honest man, and dispose him to offer his services for establishing it as early as possible.

Division of Sydney into districts.

Election of watchmen.

The duty of the persons so chosen will be to apprehend all night-walkers, all disorderly and suspicious persons, and to deliver them over to a constable, or take them before a Justice of the Peace; they will also interrogate all who are found idling about

Duties of watchmen.

* Collins (vol. ii, p. 6) remarked in regard to this Order :—"It was hoped by the Governor that this Order would convince the people particularly styled Defenders that if they continued to be troublesome they would not very readily escape from the punishment to which their turbulent and restless conduct might entitle them."

† Collins (vol. ii, p. 6) says that the houses were numbered both at Sydney and Parramatta, and that a principal inhabitant was placed at the head of each portion and charged with the peace and good order thereof. Sydney was portioned out into four Divisions—King, Nepean, Banks, and Maskelyne.

1796

9 Nov.

Surveillance
of strangers.Remuner-
ation of
watchmen.

in their division, not being inhabitants thereof, and oblige them to give an account of themselves. If they call themselves free people and off the store, they are to produce their certificate; if they are people who are permitted to go from Parramatta, the Hawkesbury, or any other distant place to Sydney, they will produce their passports or leave from the person authorized to give it. The watchmen will inform themselves of all strangers who come to reside within their division, and report them at the end of the week to the civil magistrate. They will be particularly careful to secure and bring before the magistrate all gamblers and drunkards, and to enforce in their respective divisions a due reverence for the Sabbath day, and not to permit any to be idly strolling about during divine service. Notwithstanding that the office of watchmen in all towns whatever is performed at the expence of the inhabitants, being for the public security, yet the Governor, in consideration of the trouble attending the faithful discharge of its duties, thinks fit to order that the person so officiating shall be allowed the full ration for themselves and family, an occasional supply of slops, and half a pint of spirits every Saturday. If their diligence may deserve further notice, the civil magistrate will have an eye to them, and recommend them to other indulgences. It is intended that the same regulations shall take place at Parramatta.

The commanding officer of the New South Wales Corps will choose his own watchmen over the military division, and direct them to report to him.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

12 Nov.

My Lord, Sydney, New South Wales, 12th Nov., 1796.

Passengers
by the
Britannia.Changes
in the
condition of
the colony.

From a variety of considerations of a public nature, as well as from motives of humanity, your Grace will have understood before this can come to hand that I had charter'd the ship Britannia to sail from hence directly for England.* By that ship, and under the care of Capt. David Collins, our Judge-Advocate (who had obtain'd his Majesty's permission to return to England on his private concerns), I transmitted my dispatches for your Grace, with as full and complete an account of the concerns of this colony as I could possibly make out, and which I hope will be found as satisfactory as from the various alterations and changes which had taken place in the settlement since the time at which Govr. Phillip had left it (1792) could well be expected, and of which Mr. Collins and Mr. Palmer, the Commissary (who is also

* This action of Hunter's did not meet with the approval of the Duke of Portland. Post. pp. 296, 297.

† Richard Atkins acted as Judge-Advocate until the arrival of Collins's successor—Richard Dore.

returning on private business to England), if they will speak their real sentiments, which I trust they will, can very well inform your Grace. Those gent'n are well acquainted with the very embarrass'd situation in which they left me, and of which I did not think it necessary then to mention to your Grace any particulars.

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The difficulty of my task, and the heavy work I had set about and determin'd to accomplish, they are no strangers to, nor to my want of assistance in officers or a sufficient number of labourers, and almost wholly without artificers of every kind. It may appear extraordinary to your Grace that we shou'd have been so very weak in public labourers when so considerable a number will appear on the Commissary's books fed and cloathed at the expence of Government. This, my Lord, is one part of the difficulty with which I mentioned in my letter, No. 9,* I had to contend, but which I at same [time] said I might take some future opportunity of noticing more particularly, and which I probably wou'd have declin'd altogether observing anything upon were it not that I am unwilling former mistakes shou'd be in any degree plac'd to my account.

Paucity
of public
labourers.

I must now, my Lord, beg your Grace's patience untill I remark a few circumstances which may serve to convince whether there has been any cause for complaint on my part. Considerable numbers of the convicts, I find, have been settled by the different officers who commanded after the departure of Govr. Phillip, and of people who had neither serv'd their time out nor were emancipated to enable them to become settlers and to possess property in this country, nor had they receiv'd any grant more than:—"A.B. has my permission to settle"—signed by the commanding officer. This slip of paper serv'd them as a sufficient authority to fix wherever they pleas'd. Settlers of this description, as well as many who had been more regularly permitted, have had their servants allow'd them from amongst those of the public. The servants allow'd to officers by a former regulation, and the many convicts who had been dispers'd amongst the serjeants, corporals, drummers, and considerable numbers of the private soldiers, as servants, together with many others variously dispos'd of, or who had been permitted to accomodate themselves, had reduc'd our numbers to work for the public so very low that when I arriv'd we cou'd scarcely call together twenty for any public purpose at Sydney. This I hope I am not hasty in saying had very much the appearance of an intentional embarrassment.

Officers
allow
convicts
to settle.

Labour
allowed
to settlers.

The task that, thro' this means, was impos'd upon me was truly unpleasant—nay, it was distressing—because it oblig'd me, contrary to my inclination, to shew my objections to certain regulations of some of my predecessors; in this, however, I was as

Hunter's
efforts at
re-organiza-
tion.

- 1796
12 Nov. delicate as it was possible to be, and as the public service wou'd admit. And notwithstanding the particularly kind attention which I was dispos'd and actually did show to every person in the colony, there are those in it now who have, in consequence of the dispositions I was daily making to correct abuses which were, perhaps, convenient to their private speculations, shewn every inclination, and have indirectly us'd every means, which cou'd be contrived to hinder or render ineffectual every step I was taking. This, it is true, my Lord, they have neither been bold enough or so imprudent as to attempt openly, because, in that case, I cou'd at once have fix'd upon the person, but they have done it in such a way as left sufficient room for suspicion. They have, however, I trust, found me as firm and determin'd as I ought to be upon such occasion, and resolv'd I am to persevere in my endeavours to remedy every evil as far as I can, which have taken such deep root in this colony since the departure of Govr. Phillip. Such changes as have appear'd to me to be improvements upon that gentleman's ideas have already been candidly mention'd in former letters, and are continued, and not, I hope, without giving such reasons for my opinions as might leave your Grace a fair opportunity of deciding as to their propriety.
- Factions
opposition. Since the departure of the Britannia* I have caus'd several musters to be taken. The necessity of raising a sufficient share of strength for enabling us to get on with the public buildings so essentially requisite was now sufficiently apparent to every candid person, and render'd this measure proper. The number of tricks practis'd upon the public by impostors and every species of imposition are what your Grace, or any person unacquainted with such characters, can have no conception of; but many have been detected and corrected as far as possible in so short a time.† The
- Hunter will
persevere. innumerable difficultys which retard our progress in whatever relates to the concerns of Government, the astonishing state of indolence and indifference about the affairs of the public which the private traffic of individuals have brought about, is really extraordinary. The tricks daily practis'd, and the bad habits which have been permitted to take root so very deeply and extensively for want of timely correction, are such as renders it no less painfull to me to mention than they are found difficult to get the better of. The original discipline of the colony is sadly relax'd or nearly lost, but, it is to be hop'd, only for a time; all is confusion,
- General
musters.
- State of the
settlement.
- Confusion
and
disorder.

* The Britannia sailed from Sydney on 29th September, 1796, for Norfolk Island, which she quitted on the 25th October, bound for England.

† Collins mentions (vol. ii, p. 11) that Hunter adopted the system of mustering every description of inhabitant at the same hour in all districts, for it had been found that in mustering the districts at different times some had succeeded, by travelling rapidly from one settlement to another, in imposing on the local storekeepers by drawing provisions from each. The practice of allowing convicts whose terms of servitude were unexpired to become settlers, which has already been referred to (ante, p. 167), had considerably depleted the Government gangs. When visiting Parramatta in October, Hunter made one hundred of these delinquents return to servitude.—Collins, vol. ii, p. 3.

disorder, and licentiousness, and a total inattention to—nay, I might almost say, a direct disobedience of—Public Orders. All this, my Lord, has, in my opinion, proceeded from the impatience of those who, having very little real or active duty to do, have been but too much engag'd in a most destructive traffic with spiritous liquors. Had this article, so pernicious in its effects as it has been us'd, been sparingly employ'd and imported in moderation, it wou'd have done much good; but being an article eagerly sought after by the lower orders of the people, and those particularly employ'd in agriculture and other laborious employments, it has been as eagerly imported by those who had the means of purchasing, and sold again to the settlers at an immense profit, so that it has been said (and I confess I believe with truth) that very considerable sums have been realis'd in a very short time by this ruinous trade—ruinous to many who might have liv'd now very independantly on their farms; to the distruction of all order; to the almost total extinction of every spark of religion; to the encouragement of gambling; the occasion of frequent robberys; and, concern'd am I to add, to several very recent and shocking murders; and, in short, to the abolishment of all discipline and every attention to the concerns of Government. This spirit for trade, and, I may say, this trade with spirits (for it is that article only that I find fault with), has been carried so far that, altho' it originated with those whose situations gave them respectability and influence, it has descended to all the inferior appointments, so that the duty of their respective offices seem'd to have become a secondary attention. From these few circumstances your Grace will be able to judge how difficult my task is; yet, be assur'd, my Lord, that, having entered upon it, thro' it I will go, nor shall any difficulty whatever arrest my progress; nor do I despair of being able to re-establish that order, discipline, and regularity on which our prosperity as a colony must depend, for that it will prosper there is not, with me, the shadow of a doubt, but order in this is, perhaps, more essential to its existence than in any other society yet establish'd.

1796

12 Nov.

The traffic in spirits.

Profits of the trade.

Its origin.

Nil desperandum.

Were I, my Lord, to enumerate all the observations which have fallen under my notice since I arriv'd here, the various schemes of various projectors for the purpose of enriching themselves at the expence, but too often of ruin to the thoughtless and profligate settler, &c., it wou'd take up more time than I have at present to spare, and much more than your Grace can have to bestow on the perusal. Our settlers, my Lord, have been ill-chosen, as I have formerly said; many of them are very bad characters.

Mercenary schemers.

Had those gentlemen who have been allow'd considerable farms been contented with the advantages produc'd by those farms and their own exertions upon them, they wou'd have been handsomely recompens'd for their industry, particularly when it is consider'd

The haste to get rich.

- 1796 that their principal laborers were fed and cloathed at the expence
 12 Nov. of Government, and that they had no wages to pay, but for
 such additional assistance as they chose to hire: had they done
 this, and as every officer ought to, have some wish for the pros-
 perity of his Majesty's concerns, we shou'd not then have had
 so many wretched settlers continually soliciting the aid of Govern-
 ment to save them and their famils from want; instead of that
 we shou'd have seen many easy and independant; but such
 appears to have been thought too slow a method of making money.
 Officers' When we reflect on the various advantages which many of the
 privileges. military officers have had—advantages which I have not shewn
 any desire or intention to wrest from them—we cannot help
 expressing the strongest astonishment that they shou'd have
 ever thought of condescending to enter into trade of any kind,
 except that of disposing of, to Government, the produce of their
 agricultural labors. I found that the late Lt.-Governor had
 Land grants made it a rule to grant to every private soldier under his com'd
 to private 25 acres of land wherever he chose to have it. Those who were
 soldiers, at Norfolk Island when this order took place, upon their return
 hither applied to me for the same indulgence, which I thought
 proper to comply with, unwilling to break thro' a regulation
 establish'd by their own commanding officer. Those farms cou'd
 not, as expressed in the grant, be occupied and cultivated by the
 proprietor, who in this case had other duty to do; this, of course,
 sold to their was understood; they therefore sold them, and most of them were
 officers. purchas'd by their own officers, some of whom have by this means
 considerable tracts, and had they no other advantages might be
 consider'd extrem'ly well provided for.
- Hunter's I am not dispos'd, my Lord, to be pointed or personal, where it
 forbearance. can be avoided, in the observations which I feel it necessary to
 trouble your Grace with. But without claiming merit to myself
 from my forbearance, I may venture to say that few men in my
 situation wou'd have had so much.
- His attitude I am no stranger, my Lord, in the profession. I have serv'd his
 towards the Majesty in [it] for forty-two years constantly and actively. I have
 officers. the honour of being known to many of the highest and most
 respectable characters amongst its officers. I need not, therefore,
 speak of my own natural disposition; but after the attention
 shewn by me to the different officers, civil and military, since my
 arrival—an attention mark'd from the beginning by every proof
 I cou'd give of my having the most perfect confidence in each
 individual in their respective situations—after such assurances of
 a disposition to make them as happy as possible—to find that,
 instead of receiving that assistance which it was the duty of every
 officer to give, every means was practis'd to frustrate the endeavours
 They thwart I saw it necessary to use for correcting various tricks, and to remove
 him. customs which had been too long establish'd, and for want of

timely attention consider'd as licens'd. Continually thwarted and worthless characters encourag'd almost into a state of resistance by those whose schemes might have been in some degree effected by the changes I was about to make, and which in few words may be said to be *order and regularity for confusion and licentiousness*.

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12 Nov.

Reforma-
tory
measures.

It will not surprise that I saw it necessary to withdraw that confidence, and to trust chiefly to my own judgement and observation, in doing which I soon observ'd that the only assistants I had were so frequently and individually attack'd in the line of their duty as civil magistrates that were they directed to state their particular cases,* it would then appear what I have had to contend with in support of that order and civil government which it is my duty to protect, and which being my duty shall not be insulted whilst I can give it support.

Difficulty of
maintaining
order.

I should have mention'd, before I had gone thus far, that after the departure of Govr. Phillip from this colony a general change took place, all his plans and regulations were completely laid aside, the civil magistrate was superceded intirely, and all the dutys respecting the distribution of justice and every other concern of that office was taken into the hands of the military (a more prompt method probably, but subject to the effects of prejudice and caprice, consequently to injustice). Upon my arrival I consider'd this plan as inconsistent with the intentions of his Majesty and of the British Parliament, and by no means agreeable to the laws establish'd for our Government here. I therefore reinstated the civil magistrate in his proper office, and directed the Judge-Advocate to attend to the dutys of his department relative to the distribution of justice. Those changes I had soon reason to observe were not well relish'd by those of the military whose power and influence over the civil concerns of the colony had been reduc'd by this measure. I, at the same time, believe it was well receiv'd by others of the same profession who had no private end to answer by the continuance of a system not in our situation strictly legal, nor were ambitious of having the trouble of a duty which they consider'd as the concern of a different and distinct department. Since that time frequent indirect and some direct attempts have been made to annoy the civil officers officiating as magistrates, with a view to the lessening that respect and influence over the minds of the lower orders of the people so highly necessary in our situation. For these shameful and unpardonable purposes the most improper means which a mischievously fertile imagination, a malicious, restless, and vindictive disposition cou'd invent, or cou'd collect in the most improper way, and thro' the most uncertain channels, have been us'd; but I trust without that effect which was designed and expected.

Change from
a civil to a
military
régime.Reinstating
the civil
magistrates.Attempts to
annoy and
disparage
the
magistrates;

The dutys of the civil magistrate in this country, and more particularly in our present state, is most arduous, independant of the common dutys annex'd to the office which this officer may

their
arduous
duties.

* Footnote to original by Governor Hunter, "Which I much wish they may."

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12 Nov. fill, it is therefore not desiræable to be so employ'd ; but I must say in justice to those gentlemen who officiate, that the office has been executed without reluctance, with much zeal and spirit. I feel therefore, my Lord, as the chief magistrate, the more particularly offended at every attempt which has been made for thwarting them in the line of their duty, because I consider it as a direct attempt to overthrow, or render ineffectual, the civil power of the colony, and to continue that disorder, confusion, and disobedience which I am with the help of the civil magistrate endeavouring to correct, and bring back to what it once was, what I well remmember it to have been, and what it ought to be for the happiness of society and the general advantage of the settlem't.

An attempt
to overthrow
the civil
power.

Unwilling as I am to trespass on your Grace's time, it may yet be proper that I shou'd point out one instance of the inconvenience I have, and the service has suffer'd, by an officious and industrious disposition to embarrass the civil power.

A case in
point.

Soon after the departure of the Judge-Advocate, or rather at the time he had quitted his office and was embark'd, and another gentleman residing here had been some time nam'd by his Maj'y's authority to officiate, I was on the day on which I was going to announce him in Public Orders as doing the duty of J.-Advocate depriv'd of his immediate assistance by an officer in the New South Wales Corps having written to me and desiring to institute a criminal prosecution against this gentleman for a libel. This is the same officer* who has taken the liberty of correspondng with your Grace upon the public concerns of this colony, without consulting the Governor upon the subject of that correspondance, and of which I had just time to write your Grace by the Britannia. And as I must repeat my complaint upon that occasion, I trust your Grace will take such notice of it as it may seem to demand. I confess, my Lord, I view it in a serious light as a public concern, and as an immediate, altho' indirect, attack upon the authority of the Governor, which I cannot suffer to pass without proper representation ; had it been of a private nature your Grace wou'd not have been troubled upon it. (I beg pardon, my Lord, for this digression.)

Atkins and
Macarthur.

An attack on
the
Governor's
authority.

The design of this prosecution of the intended Judge-Advocate is too apparent not to be immediat'ly seen thro'. Your Grace will discover that no Court, civil or criminal, can be held without such an officer at its head. This attempt is therefore in my opinion intended to deprive the service of the assistance of the man, who it is well, and has been long, known was nam'd by his Majesty's authority to do that duty during the absence of the Judge-Advocate, and thereby to embarrass the civil power. This gentleman had long officiated as a magistrate to my great assistance and satisfaction. He had also done the duty of that civil

An attempt
to embarrass
Hunter.

* John Macarthur.

office which this very officer had resign'd (the Inspector of Public Works), and had executed these offices without the smallest accusation against him but such as this officer thought proper to lay to his charge, and which had been replied to by the other, and fully and clearly refuted to my satisfaction.

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12 Nov.

Atkins as
inspector of
works.

This prosecution now demanded originated in this person against whom it was design'd having found himself unjustly attack'd and accus'd of crimes of a heinous nature, partly grounded upon what he had been able to collect from some worthless and too often perjurd convicts, who are seldom known to be partial to a strict magistrate, and who it appear'd upon a subsequent examination had been tamper'd with. This gentleman had written a very severe letter* to the above officer, in which he retaliat's all the ill-nature and invective of his accuser, and in his turn accuses him of the most improper conduct, and such as no man honor'd with the King's Commission cou'd be suppos'd capable. When I receiv'd information of this letter I was extremely displeas'd, and condemn'd such a conduct in the most pointed manner. I desir'd to know his reasons for acting so very improper a part, and which he must have known was disturbing the peace of the settlement. He replied that in the situation he was now about to fill (*pro tempore*)† he knew that no pains wou'd be spar'd by his enemy to vex and distress him wherever there might be the smallest opening for the exercise of a malicious and vindictive temper, and that had he suppos'd it w'd have been laid before me he wou'd have acted otherwise. His intention he said was to have drawn this officer out to a private and personal decision of this difference that he might not hereafter be troubled by him. Altho' I was much displeas'd with this gentleman's conduct in this instance, I cou'd not be surpris'd when I look'd back upon the provocation, the particulars of which I understand may come to your Grace's knowledge thro' some other channel.‡

Evidence
against
Atkins.His letter to
Macarthur.A personal
matter.

Such a prosecution as that now desir'd cannot in our present situation take place. It wou'd require the professional ability of an expert lawyer to preside where our Criminal Courts are compos'd frequently of young and sometimes not very well-inform'd officers of the Navy and Army. And altho' the officer desiring to prosecute must be sensible of the impossibility, as well as inconvenience to the public service were it possible, he has pressed it as far as he can; but he cannot be gratified, however much I am desirous the law shou'd decide on the case. The other party had formerly made a similar application for redress by law, but being inform'd by the Judge-Advocate, who was then in the country, that to grant his request at that time wou'd very much retard the

Composition
of the
Criminal
Court.

* Atkins to Macarthur, ante, p. 125.

† Atkins merely performed the duties of Judge-Advocate pending the arrival of Mr. Dore.

‡ Ante, pp. 119-120. Macarthur forwarded the correspondence to Lieut.-Colonel Grose.

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Opposition
to the civil
authorities.

service we were then engag'd in, he most readily gave it up untill some more favourable opportunity might offer.

Desirability
of removing
malcon-
tents.

After having enter'd so far into the unpleasant part of our concerns, which I probably might not have done quite so soon had not the restless and troublesome dispositions of those who are contriving by all the indirect means they can invent to thwart the civil power, and to disturb the peace and order of the colony render'd it no longer either possible or proper to delay it, they work by means and by instruments thro' which it is difficult to bring the principals into the foreground; cou'd that be done by legal proofs we shou'd be at no loss how to act. Altho', my Lord, I am no advocate for any individual at such a distance from the mother country being possess'd of such discretional power as if in bad hands might be exercis'd to the oppression of others, I yet think that in consequence of our great distance from home some means might be suggested for removing from the colony such people as are found fond of disturbing the peace and order of the settlement, and the harmony of private society.

Irish
Defenders.

Sedition.

I have at this moment an information upon oath before me of a very serious nature, and in which those turbulent and worthless characters call'd Irish Defenders* are concern'd; they have threaten'd resistance to all orders, but they have not yet carried far their threats; a few of them have been punish'd.† I am unwilling to lay much stress upon the above deposition,‡ altho' a voluntary one. It mentions those people having had the advice and opinion of some whose situation inclines me to doubt the fact, but I will watch narrowly. Seditious people might do much mischief with such instruments to work by. The grievances of those Irishmen are "that we have not the time of their conviction and sentence," which is certainly hard upon them, and shou'd be remedied, as they may otherwise be kept longer than is just in servitude.

For an account of our endeavours to restore order and regularity, and a proper attention to Public Orders, I refer your Grace to my letter No. 22,§ transmitted herewith. I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord, Sydney, New South Wales, 12th Nov., 1796.

Unpleasant
news.

Having consider'd it necessary, from a variety of causes, to enter at some length|| into the unpleasant part of our circumstances

* When the Insurrection Act was passed by the Irish Parliament (by which conspiracy was declared to be a felony) hundreds of the more turbulent and ignorant of the Irish peasantry were transported for participation in the feuds that rent Ireland during the closing years of the Eighteenth Century. As convicts they were hardly to be expected to show a less reckless defiance of constituted authority than they had evinced as propagandists. Many of them escaped, to die in the bush rather than live in servitude.

† It was in consequence of the threats of the Irish Defenders to resist the authority of the Crown that Hunter issued the Government and General Order of the 29th October, 1796.--Ante, p. 164. ‡ The deposition referred to has not been preserved.

§ That is the letter of same date—12th November—which follows, pp. 174-179, post.
|| Ante, p. 166 *et seq.*

in a separate letter, which your Grace will receive herewith, I think it equally necessary that you shou'd be inform'd of the steps which I am taking to get the better of these inconveniences, and to bring back to some kind of order and regularity, and to a more ready obedience to Public Orders, the turbulent and refractory set of people I have here to manage; for this purpose, and that your Grace may be enabled to form some opinion of what I have had to do since I landed here, and what I am now attempting for the general good, I send herewith a copy of all the Public Orders* which have been issued by me since my arrival, and which I conceive may be necessary for enabling your Grace to form a judgment of the different objects I have had in view.

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12 Nov.

I have intimated, in the separate letter above mention'd, that I have had reason to suspect some seditious and ill-dispos'd persons had been tampering with the refractory people alluded to in my Public Orders of the 15th, 25th, and 29th October last, † in order to encourage them to a resistance of those Orders, by which it will appear that many of them—who had been too long permitted to impose upon Government, and had been working for private individuals, whilst the concerns of the public were standing still—were call'd in to perform that service which, as a public concern, cou'd not be dispens'd with. I have now to inform your Grace that with the few laborers we have been able to collect thro' these means, and such artificers as we can hire, we are now erecting, in each of the towns of Sydney and Parramatta, a strong log prison, for the security of turbulent and disobedient persons. ‡ These are works which have been wanted from the beginning, but on account of the relax'd discipline which private speculation and traffic has occasion'd, is more so now than it ever was, more particularly since it has been found necessary to send to this country such horrid characters as the people call'd Irish Defenders, who, I confess, my Lord, I wish had been either sent to the coast of Africa, or some place as fit for them.

The Irish Defenders.

Log prisons.

We are also erecting upon the high ground over Sydney a strong substantial and well-built windmill§ with a stone tower, which will last for two hundred years, and we are preparing materials for another such at Parramatta. These two mills, when finish'd, will occasion a saving considerable by issuing flour instead of grain.

A windmill.

The brick buildings, barracks, storehouses, and officers' dwelling-houses have been some time past in a state of rapid decay and crumbling to ruins; to rebuild such another set would be attended

* These Orders are published in their proper place in order of date.

† Ante, pp. 144, 163, 164, 165.

‡ The log prisons were erected with material supplied by the free population of the settlement. — Ante, p. 130. The prison at Sydney was eighty feet long, and contained twenty-two cells; it was completed in June, 1797. — Collins, vol. ii, p. 41. It was burnt down on the night of 11th February, 1799.

§ The windmill was completed in February, 1797. It was capable of grinding a bushel of wheat in ten minutes. — Collins, vol. ii, p. 21.

1796 with great expence. This decay has been occasion'd by the want
 12 Nov. of lime or proper cement in the beginning. We have now a gang
 of people employ'd collecting sea-shells, which we find all round
 the harbour in considerable quantities; these we burn to lime,
 Manufactur- and are repairing and completely covering all the brick build'gs,
 ing lime. so as to ensure their lasting at least twenty years to come; this
 work I expect will be nearly finish'd by the end of this year.

To prevent as far as it is possible the repeated robberys which
 are so continually committing amongst us, I am now arranging
 The inhabitants of this town of Sydney, which is a mere sink of
 every species of infamy, into divisions, and shall have the different
 houses number'd and a register kept of the people inhabiting
 each.* We shall have watchmen chosen from amongst the inhabit-
 ants to guard during the night their respective divisions, and a
 constable will also be chosen who shall have proper instructions.
 This regulation I propose shall take place in every district of the
 colony. We have also numbered and register'd our boats, which
 are many and are necessary, but even amongst them robberys
 have been committed.†

Our goals, my Lord, I am sorry to say, are at this time quite
 full, many for robberys, a number for different and shocking
 Plundering murders, and some for plundering the public provision stores.‡ I
 the stores. am concern'd to add that with the latter it appears some of the
 sentinals on duty have been concern'd, the very men who have
 the care of our most valuable stores. I must do justice to their
 present commanding officer in saying that he is strict, and will
 not easily pass over such a breach of orders and of discipline. I
 shall in a short time convene a Criminal Court for the trial of
 those offenders. I trust, my Lord, that before another year shall
 Effects of elapse we shall have such regulations establish'd over this settle-
 Hunter's ment as may render the task of commanding here less difficult to
 rule. those who may follow than I have found it, and am hopefull,
 however we may differ, that it may not be consider'd necessary to
 abolish every regulation which I am endeavouring to establish,
 but only to amend and make them more perfect.

Were I to omit, whilst on this subject, to acknowledge my
 obligation to Captain Geo. Johnston, of the New South Wales
 Johnston Corps, formerly of the marines, an old and kind acquaintance,
 and to Mr. Wm. Balmain, the principal surgeon, for their indi-
 Balmain. fatiguable exertions in forwarding my best endeavours to bring
 out of a mass of confusion some kind of order, I shou'd be
 unjust; those gentlemen saw the difficulty I labor'd under for

* Ante, p. 165 and note.

† Ante, p. 60.

‡ This statement of Governor Hunter compares strangely with Phillip's assertion, made shortly before he left the colony, that he could "recollect very few crimes during the last three years but what have been committed to procure the necessaries of life."—Vol. I, part 2, p. 645. It must, however, be remembered that the circumstances of the colony had altered very much when Hunter wrote the above despatch, and that the convicts who had arrived in the interval were a more turbulent, if not a more criminal class.

want of that assistance so highly necessary in our situation, and came forward like good officers and offer'd me theirs. I appointed Capt. Johnston my aide-de-camp. Mr. Balmain is an active and spirited magistrate, but his assistance to me is not confin'd to that duty only. 1796
12 Nov.

Our present crops promise an abundant harvest, which will begin about three weeks hence. The crops.

The Prince of Wales, storeship, by which I forward this, arriv'd here the 2d instant. We are now unloading her. She parted company with the other storeship, Sylph, off the Cape De Verd Islands ; we look daily for her arrival.*

Your Grace will, I doubt not, after considering the public works in hand and the many yet wanting, together with our deficiency of strength, see the impossibility of my attempting anything in agriculture at present on the part of the public. Public works.

I have reason to hope that your Grace will not condemn me for the liberty I take in observing that the duty of Capt. Johnston, as my aide-de-camp, is now very great, and requires much activity. As I am uncertain whether anything can be allow'd him for that extra duty, I hope I may be excused for taking the liberty to recommend to your Grace his son (George Johnston) for an ensigncy in the N.S. Wales Corps. He is young, but well-grown, and his father is capable of making him a good soldier. He is at present with him. A deserving officer

Allow me to say, my Lord, that we labour under vast inconvenience for want of every kind of tools, and we are getting very deficient in slop cloathing. Tools.

I trust from what I have said your Grace will be satisfied that very few steps which can under our present circumstances be taken for the public good have escap'd my attention. To know that such is your Grace's opinion will be highly gratifying to

Yours, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

Dear Sir, Sydney, New South Wales, 14th Novr., 1796. 14 Nov.

As you will, I trust, have seen both Capt. David Collins, our Judge-Advocate, and Mr. Palmer, our Commissary, before you can receive this, I am hopefull you may have had an opportunity of learning much of our concerns from them. It is my wish that they may have an opportunity of conversing with you, as you will gain much information from them. You can have no conception of my situation at the time they left me ; I am therefore the more desirous you shou'd learn it from them, and am unwilling to enter any farther into it at present than I have in my separate letter to his Grace the Duke of Portland, transmitted by those gentlemen. You will know from the above two officers of what and of whom Officers returning to England.

* The Sylph arrived on 17th November, 1797.

- 1796 I complain. I hope his Grace may have time to take that notice
 14 Nov. of my complaint which I conceive, *as a public concern*, it merits;
 A complaint. had it been a private one it wou'd not have been sent home, and I
 confess it would have been more agreeable to my feelings had it
 been of that kind. You can have but little idea what mischiefs
 and embarrassment, vain, restless, and designing people may occa-
 sion in a country peopled with such characters as we have here. I
 earnestly wish Government wou'd direct that such disturbers of
 the peace and happiness of a distant country like this might be
 sent out of it. No difficulty whatever shall arrest my endeav'rs
 to bring into order the concerns of this colony. I have enter'd
 upon it, and I will, if I live, bring it about, however it may effect
 the private concerns of private individuals, for that is the rub.
 You will be told in England that a fortune of eight or more
 thousand pounds have been made here in five years. A question
 naturally arises out of that information—How is it possible? Those
 who are acquaint'd with the traffic which has been carried on here
 will be best able to inform you, for I really cannot. It is the
 various regulations which I have been attempting since I have
 been here to establish order that stands in the way of this dis-
 tructive traffic, and which will bring about as many impertinent
 opinions relative to the colony for the Duke of Portland's consid-
 eration as there are different schemers and traders in the country.*
 I heartily wish it were possible to knock it intirely up, or establish
 some regulations for its limitation.
- Trouble-
some
colonists.
- A lucrative
traffic.
- Hunter's
General
Orders.
- The traders
- Favours
shown to
soldiers.
- The General Orders which have been issued by me since my
 arrival I send by this opportunity that it might be seen from
 those occasional Orders what have been the objects I have had in
 view. I cou'd have freely forgiven any article of trade which
 was in itself harmless; but money was not made so rapidly by
 any as spirits, and that article has completely ruined many who
 might have done well. This has thrown many familys back upon
 Government who might have continued independant. To save
 those people from ruin is to effect the trade of others, and conse-
 quently if a Gov'r here means to make popularity his great object
 —I mean amongst the traders—he must not bestow a thought
 upon the public concerns, but shew a disposition to fall in with
 all their plans, to allow them to take out of the public store what-
 ever they want, and to employ as many of the servants of the
 public as they wish, and to feed and cloath them at Gov's expence.
 Such a man wou'd be admir'd here, and all his endeavours
 falling in with their wishes wou'd be prais'd. You cannot, sir,
 have any idea of the immense expence of public stores. Before
 the time of my arrival every military man, even the private
 soldier, cou'd have what he pleas'd—whole casks of nails at a time

* Hunter is evidently referring to his disagreement with Macarthur and the letter that officer forwarded to the Duke of Portland.—*Ante*, pp. 131-136.

taken out for private use. Do take the trouble to ask Mr. Palmer on this subject. I believe he will tell you that he dar'd not refuse whatever was order'd by any military man. This I put an immediat stop to, well knowing the prodigious expence of those stores; and the schemes of some were much effected by those orders which I judg'd it necessary to give the Commissary. On this subject I could say much; but I trust whatever information you may desire from Mr. Palmer or Collins will be given you. I hope, too, it may be candid; they can say much if they will speak out. I will therefore trouble you no farther at present than to assure you that I am, with much esteem, &c.,

1796

14 Nov.

Refers to
Palmer for
confirm-
ation.

JNO. HUNTER.

Allow me to add here what I shall be oblig'd to trouble his Grace with soon, viz., my allowance for station'ry is too small;* £50, instead of £20, will not save my expences. So many applications from inferior departments.

Stationcry.

P.S.—You will also have seen Lt.-Govr. King, whose very ill-health has oblig'd him to quit Norfolk Island, to my very great concern.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

Sir,

Sydney, New South Wales, 14th Nov., 1796.

Having occasion to write by this opportunity pretty fully to his Grace the Duke of Portland on some part of the concerns of this colony, I have been unwilling by addressing this to his Grace to occupy more of his time than circumstances might render necessary; you will therefore have the trouble of attending to the subject of this letter. You will, no doubt, see the contents of my different letters, and I hope may have time to consider the subjects of them. I shall therefore only mention to you what probably ought to have been written to his Grace but from an opinion that at such a time as the present he will have much business of more immediat importance to consider.

Minor
require-
ments.

We are getting very short of iron and steel, having long been oblig'd to manufacture all the tools which we have had occasion for on the public works, and we are extremely deficient in every kind of impliment either for agriculture or for working artificers. We have scarcely as many nails as will complete the buildings we are endeavouring to raise, and without which we can no longer remain without the most material injury to the concerns of Government. We are nearly destitute of cloathing, either for old or young. Allow me here to observe that the contract for shoes has been shamefully supplied; a pair will scarcely last a laboring man for a week. The sole leather sent out some time past has been of great service. Permit me, sir, to request that you will use your best

Iron and
steel.Clothing
and shoes.

* The complaint concerning the inadequate supply of stationery is repeated on subsequent occasions.—Post, pp. 230, 483, 494. The allowance was increased to £30 in November, 1799.—Post, p. 736.

1796 endeavours to have us supplied as early as possible, and to tell you, for the information of his Grace the Duke of Portland, that if we have not soon some addition to our numbers of working men we shall have very few in the country who will not, from their terms of transportation being expir'd, be perfectly free.

The schooner Francis.

The small schooner sent out some years ago in frame grows very infirm, and she is the only vessel we have in the absence of the King's ships for keeping up our intercourse with Norfolk Island. We give her occasionally such repairs as she may require, and we have the power of applying, but she is too small. If I had a sufficient strength in carpenters, I wou'd undertake to build one of 70 or 80 tons burthen, which I think would be highly serviceable between this and Norfolk Island.

I have, &c.,
JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

18 Nov.
Movements of transports.

My Lord, Sydney, New South Wales, 18th Nov., 1796.

The ship Prince of Wales, being clear'd of her cargo, will proceed upon her voyage to China on the 20th. Such letters as I have judg'd it necessary to write at this time for your Grace's information will go by that conveyance; but as the Sylph, store-ship, arrived here yesterday, I have thought it proper that your Grace should receive information thereof as early as possible, and also to acknowledge the honor of having receiv'd your Grace's dispatches by that ship.

Progress of the colony.

Your observations, my Lord, upon the dispatches of Captain Paterson, of March and June, 1795,* I particularly notice, and am hopeful that his Majesty will receive farther satisfaction from the accounts transmitted by me relative to the progressive improvement of the colony, which accounts have been forwarded by the ship Britannia. Your Grace will also be inform'd by those dispatches the various circumstances of which I have had but too much cause to complain. In addition to those accounts, I have found it necessary to detail something more particularly—various parts of those complaints, and the causes from which they appear'd to me to have originated—in a separate letter, which will go by the present opportunity; I shall not, therefore, dwell on those unpleasant reports now.

The price of swine's flesh.

Your Grace observes upon a letter from Lt.-Gov'r King, forwarded by Captain Paterson, that, notwithstanding the increase of swine upon Norfolk Island, the price of that kind of provision is still as high as when it was first establish'd, and that was at a time when it was considerably less plenty. This, I have understood, my Lord, was found necessary for encouraging the rearing of that kind of animal in a domestic state. Its flesh, when taken

* Paterson's despatches will be found in Vol. ii, pp. 285, 306, and 312; and Portland's observations thereon, ante, pp. 50-52.

wild from Phillip Island, being neither palatable nor wholesome, and is, on that account, oblig'd to be confin'd and fed upon corn for four or five months before kill'd. The settlers have found that the feeding hogs upon corn turns out so expensive that they have hitherto felt themselves unable to sell it at a less price. Your Grace will allow me to observe that untill those people can have an opportunity of purchasing the various articles of European production, which they are so often in want of, at a less exorbitant rate than they have since this settlement has been establish'd, they can ill afford to lower the price of such articles as are rais'd by their own labor. This, my Lord, is the chief cause of the heavy expence incurr'd by the having occasion to hire artificers or labourers. A store establish'd here by Government, or by some person authoris'd by Gov't to retail the many little necessarys wanted, and at a moderate profit, wou'd soon reduce the price of what we raise here.

1796

18 Nov.

Cost of
feeding
swine.

Permit me, my Lord, to take notice of your Grace's remark relative to the disproportion between some kinds of the live stock raised by Government and that of private individuals. Unless your Grace adverts to the numbers which are given to settlers agreeable to promise a fair conclusion cannot be drawn, because, in the returns sent home, none are mentioned but those immediately in our possession; and, at same time, to assure you, my Lord, that the private stock of individuals will generally be better taken care of than that of the public, because their respective owners will be frequently found near what they feel so great an interest in. But the worthless wretches whom we are often oblig'd to trust the care of the property of Government to, pay less attention, feeling but little interest in them; they are more apprehensive of punishment for the abuse of their charge than prompted to attention from the rewards we may have a desire of bestowing. And many, whose abuse of those valuable considerations have fallen under my own observation, have not fail'd to receive the punishment they have merited. The live stock of Government have lately increas'd much, and not having as many carefull people to attend them as I could wish, does frequently give me much concern.

Live stock

owned by
private
individualsand by
Govern-
ment.

What your Grace remarks upon the prices given for different articles of provisions in this colony is certainly just, but I have to beg you will consider, my Lord, that it is but very lately any quantity of swine's flesh has been offer'd to the public store here; the price has, therefore, been high, and had it not been consider'd necessary as much as possible to save the salt provision such price wou'd not have been allow'd. Upon this subject I must take the liberty of observing to your Grace that almost every officer in the colony, since the time of Governor Phillip, have employ'd themselves farming and rearing stock, certainly much to the general benefit of the colony, altho' on their own account. Permit me, my Lord, to say that I do not, nor never will, have any such concern;

The prices of
provisions.Occupations
of officers.

1796
18 Nov.
Keeping up prices.

the public interest is mine, and ever will be, whatever station I may fill in its service. My reason for making this observation to your Grace is, that if it has been the interest of private people to keep up the price of such articles as Government cannot supply itself with a sufficiency of here, such motives will not influence me who have no private concern of that kind to look forward to. My endeavours to reduce the expences of this colony, I may venture to say, have and will continue to be uniform, but the innumerable difficultys which have been improperly thrown in the way of my early success in so desirable an object are but too obvious, and have already been mention'd.

Importation of draught cattle.

Altho' it is certainly true, my Lord, that the importation of oxen into a colony which was wholly without breeding-cattle is a measure which cannot well be defended,* I must yet observe that, since my arrival, those animals have fully earned their original value to the public by the labor they have perform'd, and which for want of men cou'd not have been done, to the very great delay in completing several highly necessary public works.

Clothing.

I have receiv'd much satisfaction from the arrival of some cloathing in the Sylph, the convicts, men and women, being very deficient of those necessaries; but your Grace, I trust, will pardon me for repeating our distresses for want of every kind of tool for labor, which, when the people whom your Grace has signified we may expect soon, shall arrive, will be much wanted.

More convicts.

I must express my hope that the three hundred are all men, and not part men and part women, for of the latter we have already enough.† We have scarcely any way of employing them, and they are generally found to be worse characters than the men; if we had more work for them it wou'd often be difficult to employ them, for we generally find those of a certain age taken up in the indispensable dutys of nursing an infant.

I am, &c.,

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

30 Nov.

30th November, 1796.

Parole—Honesty.

Countersign—Morality.

Constables.

THE Governor having judg'd it necessary, as well for the preservation of peace and good order as for the security of property generally, to portion out the different districts of the settlement into divisions,‡ in each of which constables have been chosen and sworn in, and who for their direction have receiv'd printed instructions. This information is, therefore, made public that none may plead ignorance of this regulation, and that they may understand that all persons travelling from one district of the settlement to

* Ante, p. 52, where the Duke of Portland's remark to which reference is here made will be found.

† Ante, p. 52.

‡ See Hunter's Order of 9th November, 1796, ante, p. 165.

any other, being liable to be examined by the different constables whose division they may pass through, are to be furnish'd with passes from the acting magistrates at Sydney and Parramatta, the Governor's aid-de-camp, or commanding officer at the Hawkesbury. Gentlemen's servants will have passes from their respective masters. All persons who shall be found without such passport, which it will not be difficult to obtain when necessary, will be for the first offence fin'd a month's imprisonment and labour for the public. If any shall pay so little attention to this Order as to repeat such offence, other steps will be pursued for their further punishment.

1796

30 Nov.

Security
against
vagrants.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord, Sydney, New South Wales, 1 Dec., 1796.

1 Dec.

In my letter No. 22,* which will accompany this, I had occasion to mention our gaols being quite full of prisoners for various offences committed against the peace and order of the settlement, and that it was my intention as early as possible to convene a Court of Criminal Judicature for their trial. Perfectly aware of the ill consequences of delay in such cases, I gave immediate directions for the assembling of such Court. It was compos'd of the officiating Judge-Advocate and six officers of his Majesty's New South Wales Corps, the King's ships being at this time absent upon service. The Court set several days, and it gives me extreme concern to say that the result of the trials was that no less than eight persons were capitally convicted upon the strongest evidence. Of that number, one was for a most shocking murder, and seven for robbing the public provision-stores, a practice which it appears has been long carried on, and which is of the most serious consequence to the settlement, particularly when we consider that two of this number were centinals upon duty, and had the charge of those very stores. One man has been convicted of manslaughter, and several acquitted, of whom two were accus'd of a most barbarous murder, but altho' there was the strongest presumptive, the legal proof was not full.

A Criminal
Court
assembled.Conviction
for capital
offences.

Had the robberys which have been committed on the provision stores happen'd during a time of scarcity we shou'd have felt the less surprise, but we are, my Lord, upon a full and ample ration.

Robbing
the store.

Here again, my Lord, I cannot help recurring with concern to the licentiousness and confusion which I have had occasion so frequently to notice, to which your Grace will no doubt be tir'd with having your attention so frequently drawn, and which I have already said appear'd to me to have been occasion'd by too great an attention to private considerations and too little to public.

Conflicting
interests.

In my endeavours to get the better of that, and to introduce what I conceive to be more immediatly necessary to the welfare

* Ante, pp. 174-177.

1796 of the public service here, I may have already incurr'd the censure
1 Dec. of some, but it is those only whose private views and interest have
been effected by my endeavours, and, consequently, of little moment;
nor shall it relax my exertions in correcting those evils which have
so often occasion'd the shocking examples I have now mentioned.

I have, &c.,

JNO. HUNTER.

THE REV. RICHARD JOHNSON TO THE SOCIETY FOR THE
PROPAGATION OF THE GOSPEL.

Sydney, 1st December, 1796.

School-
masters. EXTRACT from the Journal of S.P.G.:—At a meeting held on 18th
May, 1798, a letter was read from the Rev'd Mr. Johnson, dated
Sydney, South Wales, December 1, 1796, in which he acknowledges
the secretary's obliging letter of the 9th of November, 1795, and says
that he shall pay to Wm. Richardson and Wm. Webster the sum of
ten pounds each, agreeably to the Society's instructions, and for the
time mentioned. To the former he could wish the same to be
continued, being fully persuaded that his diligent conduct merits
such indulgence; but the latter, being too much addicted to
drinking, was led to treat his scholars too severely, and his wife,
who had the principal part in teaching, being dead, most of the
children have been taken from him, and several of them sent to
Richardson, and as a school has been lately established at Parra-
matta, distant from Sydney nearly 20 miles, he submits it to the
Society whether it would not be better to appropriate the other
£10 a year to the master of that school. The Revd. Mr. Marsden
resides there, and, he believes, will use his best endeavors to
forward the Society's good intentions. It is likewise in contem-
plation to have an orphan school as soon as a building for the
purpose can be erected; or, when a church is built, the temporary
one now used for public worship may answer. It is much to be
wished, he says, that such a school had been already established,
as the principal hopes are from the rising generation. The miser-
able wretches sent out to that country being lost to all sense of
virtue and religion, as long as their offspring continue with them,
he fears every means used for their instruction will be ineffectual.
The present Governor much wishes for an institution, but owing
to the number of engagements of a public nature, little can be
done at present. In his next letter he will endeavor to send a
particular account of the number of schools, and the children of
age to be taught. That he has applied to the Society for Pro-
moting Christian Knowledge for some books for the children, and,
if granted, would wish that leave might be obtained from Govern-
ment for the case to be received on board; otherwise, the freight
will come very dear.

First school
at
Parramatta.

An orphan-
school.

The rising
generation.

Books
wanted.

A GENERAL MUSTER.

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GOVERNMENT AND GENERAL ORDER.

1796

3rd December, 1796.

3 Dec.

Parole—Chearfulness.

Countersign—Temperence.

A GENERAL Muster of all the male inhabitants is intended to take place in each of the districts of Sydney, Parramatta, and Hawkesbury, on Friday and Saturday, the 16th and 17th instant; and in order to prevent the dwellings or farms of the different settlers from being left without proper protection, it is intended that on Friday the servants and labouring people generally shall be called, and the settlers will remain on their farms; but on Saturday the settlers will be mustered, and they will leave proper persons in the care of their concerns. The Governor having taken this method of directing the muster for the security of the property of the inhabitants in general, he expects that every person will strictly attend, agreeable to the above direction, unless prevented by sickness or some sufficient cause, of which proper notice is to be sent. All settlers and all men employ'd by them, as well as those employ'd by officers, whether on or off the store, are strictly directed to appear.

A general muster.

A full attendance required.

N.B.—The settlers who reside at Kissing Point, Lane Cove, Bulanaming, and Liberty Plains will attend at Sydney; those at the Field of Mars and districts adjacent will be mustered at Parramatta; and those on or near the banks of the Hawkesbury at that place.

The outlying districts.

All constables and other persons holding situations which may give them influence or authority are inform'd by the Governor that they cannot give him a more convincing proof of their regard for good order and the general happiness of the settlement than by exerting themselves to compel a rigid obedience to all Public Orders.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

12th December, 1796.

12 Dec.

Parole—Happiness.

Countersign—Contentment.

THE proofs we have so recently had of the danger attending too great an indulgence in the use of spirituous liquors, or in those evil habits which are so strictly forbidden and provided against by the wisdom of our excellent laws, are so truly melancholy that we wou'd willingly and anxiously hope such distressing examples might kindle up in the mind of the inhabitants of this colony some sparks of reflection and remorse. It is much to be lamented that the unfortunate desire of gratifying to excess in the use of spirits should prevail in this country to so extraordinary and so certainly ruinous a length as we have had but too frequently occasion to notice. That destructive article has generally been found to have been the original cause of most of the shocking outrages against the peace, the laws, and the regulations of the colony, which have

Intemperance.

The cause of crime.

1796

12 Dec.

so frequently been experienc'd, a colony in which it is in the power of every well-dispos'd and industrious person to live in happiness and comfort.

Stealing provisions

wherewith to purchase spirits.

A terrible example.

Drinking to excess it is well known have occasioned several most horrid and barbarous murders. The robberies which have so lately been committed upon the public provision stores, as well as upon the inhabitants [*sic*] of private persons, it is also well known could not proceed from a want of sufficiency of food, because our ration is full and ample—much more abundant than many of our more deserving friends enjoy at this time in our mother country. No, they have proceeded from a desire of possessing, by any means, those articles with which they might be able to procure spirits, that source of the misfortunes of all those whom the laws of their country, and the justice due to others, have launched into eternity, surrounded with the crimes of an illspent life. The Governor has thought proper thus publicly to express his earnest hope that a recollection of the crimes which have so lately been committed here will not be forgotten, or cease with the breath of the criminals who have suffer'd, but rather that those unhappy men will be remember'd and deplor'd by their friends, and that the calling to mind their melancholy fate will operate as a stimulus to good and virtuous actions in those they have left behind, and to a proper respect for the laws and regulations which have been established for the general good and the mutual happiness of the whole society.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

21 Dec.

21st December, 1796.

Parole—Honesty.

Countersign—Industry.

Wheat received by settlers from the store.

An equal quantity to be returned.

MANY of the settlers and others who have ground in cultivation having been, at their own solicitation, supplied at the proper season from the Government store with wheat and Indian corn for cropping their grounds, for which they have given receipts and a promise that such debt should be paid out of the ensuing crops as soon as taken off the ground, it is now expected that they do pay into the public store, as their crops are gather'd, the quantity for which they have given their receipts, before they discharge any other debts they may have contracted.

No grain will be received into his Majesty's stores until those debts have been collected; and if any unnecessary delay is made in the discharge of them, such steps as the law provides in such cases will be immediately follow'd, and the person who shall attempt any evasion shall be particularly mark'd as unworthy any encouragement hereafter. It may be necessary here to mention that shou'd any of those persons who are in this way indebted to Government have sold or made over their farms to any other since the time of having borrow'd grain from the public store for

DISTRIBUTION OF CLOTHING.

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cropping it, such farm will be considered responsible for such debt, **1796**
 whoever may possess it, and it is expected it be forthwith dis- **21 Dec.**
 charg'd out of the first of the present crop. JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

22nd December, 1796. **22 Dec.**

Parole—Healthy. Countersign—Cleanly.

On Saturday next, the 24th, the Commissary will begin to serve Clothing to
 the following proportion of slops to those who are entitled to be served
 clothing from the public stores :— from the
 store.

To Men.	To Women.	To Children.
1 jacket	1 jacket	1 p'r small blankets
1 waistcoat	1 pettycoat	1½ yard flannel
1 p'r breeches	2 shifts	3 yards linnen
2 shirts	2 p'r stockings	6 do. tape
2 p'r stock'gs	1 handkerchief	1 lb. soap
1 hatt	1 cap	¼ lb. thread.
1 woolen cap	1 p'r shoes	
1 p'r shoes	1 hatt	
¼ lb. thread	¼ lb. thread	
	1 cake of soap	

The Governor hopes it may not be necessary to put those who
 are to receive slops in mind that if any shall presume to sell those Not to be
 articles which they have some time felt the inconvenience of being disposed of.
 without, and which will be direct disobedience of former Orders,
 both the buyer and seller will subject themselves to such punish-
 ment as the nature of the offence may deserve.

JNO. HUNTER.

NEW SOUTH WALES CORPS.

Rank.	Name.	Date.	New South Wales Corps.
Lt. Col. Comm. ..	Francis Grose ..	15 July, 1795	
Major ..	William Paterson ..	4 Nov., 1795	
	Joseph Foveaux ..	6 Apr., 1791	
	George Johnstone ..	25 Sept., 1792	
Captain ..	John M'Arthur ..	6 May, 1795	
	John Townson ..	do.	
	Edward Abbott ..	11 Nov.	
	John Tho. Prentice..	6 Apr., 1791	
	William Beckwith ..	do.	
	Thomas Rowley ..	do.	
Lieutenant ..	William Cummings..	25 June, 1793	
	John Clephane ..	6 May, 1795	
	John Piper ..	do.	
	Neil M'Kellar ..	11 Nov.	
	James Hunt Lucas ..	16 May, 1792	
	Thomas Davis ..	28 June, 1793	
	Antb. Fenn Kemp ..	24 July	
Ensign ..	William Patullo ..	15 Jan., 1794	
	John Brabyn ..	6 May, 1795	
	William Moore ..	7 do.	
	Thomas Laycock ..	30 Dec.	
Chaplain ..	James Bain ..	5 June, 1789	
Adjutant ..	Thomas Rowley ..	5 June, 1789	
Quarter-master ..	Thomas Laycock ..	5 Jan., 1791	
Surgeon ..	John Harris ..	26 Jan., 1791	

1797

GOVERNMENT AND GENERAL ORDER.

11 Jan.

11th January, 1797.

Parole—Edinburgh.

Countersign—Glasgow.

State of the
roads.Labour to
be provided
by officers
and settlers.The roads
to be 20 feet
wide.Division
of labour.

THE necessity of having the roads between the different settlements in this colony made easy and convenient for travelling* being obvious to every inhabitant, the Governor has considered it necessary to issue the following Order for having them put in good and perfect condition as early as possible:—All officers who have farms are to furnish two men for three days in the week, to be employed on the above service; and all superintendants, store-keepers, and persons of that description, one man. Every settler is either to furnish a man or to contribute his own labor for the same time. The particular days of labor will be settled by the Justices of the Peace and surveyor, and are to be continued until the whole work is complete. There being at this time a scarcity of tools in the public stores, it is expected that the persons above-mentioned do furnish such implements as may be necessary for employing the people they send, spades excepted, a few of which Government will endeavour to provide.

The Surveyor-General will have directions to measure out the road, which is to be 20 feet wide. The people who are to be thus employ'd are to be in readiness and to put themselves under the direction of Mr. Alt on Monday, 23rd instant.

The people sent upon this service by the officers at Sydney, by the settlers at Kissing Point,† Concord, Liberty Plains, and Bulanaming,‡ are to complete the road from Sydney to Duck River; and those at Parramatta, Prospect Hill, Field of Mars, Ponds, Northern Boundaries, and Hawkesbury are to attend to the road from Duck River to the Hawkesbury. The people from the latter place are to begin their repairs from their own neighbourhood, and to continue them for two-thirds of the way to Parramatta, and they will be directed in their work by Mr. Grimes, who will also direct those who are to be employ'd from the Parramatta side of the Duck River until they meet those from the Hawkesbury.

The road from Sydney to Parramatta is to enter the latter place where it now does, in the center of the main street. The laborers are to continue at their work eight hours each working-day.§

JNO. HUNTER.

* Hunter spoke from experience. During the latter part of the previous month, accompanied by a party of officers, he had ascended the Hawkesbury River as far as Richmond Hill, and had returned to Sydney overland via Toongabbie and Parramatta.

† The origin of the name Kissing Point is uncertain. The popular explanation is that the Governor on landing there kissed his wife. But this, in so far as Phillip and his successor Hunter are concerned is refuted by the fact that Phillip's wife did not accompany him to the colony, and that Hunter was a single man.

‡ The district of Bulanaming lay between Petersham and the northern bank of Cook's River.

§ Collins (vol. II, p. 19) states that this order was occasioned by the weakness of the public gangs. Towards the end of February the officers and settlers were informed that the road-making could be suspended while their grounds were being prepared for the then ensuing season.—Post, p. 192.

THE RATES OF WAGES.

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GOVERNMENT AND GENERAL ORDER.

1797

13th January, 1797.

13 Jan.

Parole—Mars.

Countersign—Jupiter.

MANY applications having been made to the Governor by people who say their time of servitude in this country is expired, and as it is extremely inconvenient when employ'd on other public concerns to have the time of business broke in upon by every single individual who may be desirous of receiving information relative to the expiration of his time, the Governor has jud'd it proper to have fix'd times for such inquiries, and does therefore give this notice, that February the 15th will be the first day on which certificates will be granted to those who appear on the lists of the ships they come out with, to be regularly intitled to them.

Certificates
of freedom.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

14th January, 1797.

14 Jan.

Parole—Establish.

Countersign—Wages.

MANY settlers in different parts of the colony having represented to the Governor that the wages demanded by the free laboring people whom they have frequent occasion to hire is so excessively exorbitant that it runs away with the greatest part of the profits of their farms, and have solicited that his Excellency would take some effectual steps for their relief in this particular: It is therefore the Governor's desire that the settlers in each district do appoint amongst themselves quarterly meetings for the purpose of settling the rate of wages to laborers or others whom they have occasion to hire; that an agreement for this purpose be drawn up in writing, to which each settler in the district is to subscribe his name; that a penalty for any breach of this written agreement be fix'd by the general opinion, and inserted in the writing, and which in case of forfeiture will be recover'd by a Civil Court; that they resolve together for what purpose such forfeitures shall be apply'd for the general benefit of their own district.

The labour
market.

Settling the
rate of
wages.

They are to transmit to head-quarters a copy of their agreement and the rate of wages they have or may from time to time establish, for the Governor's information.

The Governor advises the settlers to fix the time of their first meeting as early as possible, to prevent their being any longer impos'd upon.*

His Excellency takes this opportunity of informing the settlers generally that as soon as the repair of the roads is completed

Payment
for road-
making.

* The rates of wages to be paid for various descriptions of work were proclaimed by Hunter on the 10th March, 1797 (post, p. 187), but there is no record of the meetings of employers, although they were evidently held.

1797 he will direct the Commissary to issue to each a proportion of provisions for the number of days they have been employ'd on that necessary work, or, if more agreeable to those who are indebted to Government, he will direct a reduction of that debt in the same proportion.
JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

20 Jan.

20th January, 1797.

Parole—Decision. Countersign—Judgment.

The ration. THERE being no pease remaining in the public store, the Commissary is desired to issue to the military and free people one and a half pound, and to the convicts two pounds of wheat, in lieu of their respective proportions of pease.

A general muster.

A general muster of the female convicts will take place at Sydney, Parramatta, and the Hawkesbury, on Thursday, the 26th inst., where it is expected that every one appear at the victualling-store of the district in which they reside. And on the following Saturday there will be a serving (to those who are intitled) of such slop clothing as the store can at present afford to them and their children.
JOHN HUNTER.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

31 Jan.

Sir,

Whitehall, 31st January, 1797.

I have laid before the King your letters, numbered 6 and 7, dated the 21st of Dec., 1795,* and received the 16th inst.

The lost cattle.

It gives me particular satisfaction to find that the doubts about the cattle have been so satisfactorily cleared up, and that they are at length found in such a state of increase and security as cannot fail, in addition to such further supplies as you yourself will be able to procure, to give us a reasonable prospect of being able to supply the settlement with fresh provisions in a short space of time. The herd you have found also affords a very satisfactory piece of information, in ascertaining that the climate is favourable to the increase of the very species of horned cattle which you mean to procure from the Cape of Good Hope.

Provisions and clothing.

From the very early dates of your letters I observe that you could not have received the several cargoes of provisions, clothing, and other articles for the settlement which have been shipped in 1795 and 1796 in the vessels mentioned in the margin.† Altho' the particulars of these cargoes accompanied the ships respectively in which they were sent, I take this opportunity of inclosing you a general list of all of them.

* Vol. II, p. 344.

† The margin is blank.

You will receive this letter by the Lady Shore, transport, 1797
 *master, which carries out sixty-six female and 31 Jan.
 two male convicts, a list of which I inclose with the original The Lady
 contracts entered into by Shore.
 *the owner of the
 Lady Shore, for their safe delivery in New South Wales, together
 with his Majesty's Order-in-Council for the transportation to New
 South Wales of such of the convicts whose sentences required
 such order.

In consequence of your representation of the necessity of a
 further supply of tools for clearing and cultivating the ground, Tools.
 and of iron and steel, the Lady Shore carries out the articles
 mentioned in list No. 2 ; and I particularly wish to point your
 attention to a careful and provident disposal of them for the
 benefit of the Crown and the good of the settlement.

In cases where articles of husbandry are wanted by settlers Settlers
 cultivating lands on their own account, and in a situation to to pay for
 render an equivalent for them, either in the produce of their tools in kind.
 farms or in bestowing a certain portion of their labour on the
 lands cultivated for the Crown, such an equivalent in grain or
 labour, it is conceived, may be reasonably required of them.

The Patent authorizing the establishment of a Criminal Court A legal
 of Judicature in Norfolk Island was sent out in the Marquis document.
 Cornwallis, which sailed from Cork on the 7th August, 1795, and
 therefore could not be reasonably expected to have reached Port
 Jackson the 21st Decr. following, which is the date of your last
 letters. I herewith transmit you a copy of it, attested by the
 Clerk of the Crown.

It is almost unnecessary for me to request your attention to the
 weaving of coarse cloth. From the samples which have been sent Weaving.
 here, especially those from Norfolk Island, it is evident that a con-
 siderable progress may soon be made in the manufacture of this
 article, and you will have received by the Indispensable, transport,
 an assortment of articles proper for weaving coarse cloth.

I take this opportunity of answering both your letters, separate,
 relative to Mr. Balmain and to the Rev. Mr. Johnson.

With respect to the leave of absence requested by Mr. Balmain, Leave of
 who will have received the appointment of Chief Surgeon, in the absence
 room of Mr. White, it must entirely depend on the degree of asked for by
 medical assistance required in the settlement, of which you, and Surgeon
 you only, can be a competent judge. If, in your opinion, the Balmain.
 assistant surgeons who have been sent from hence are sufficient to
 do the medical duties of the settlement during the temporary
 absence of Mr. Balmain, you are hereby authorized to comply
 with his request ; but it should previously be clearly and dis-

* Blanks in the manuscript. Captain Willcocks was in command of the vessel ; he was
 killed by the mutineers.—Post, pp. 302, 303. Judge-Advocate Dore states that Willcocks
 was master and owner of the Lady Shore.—Post, p. 355.

1797 tinctly understood between you and Mr. B. that he is expected
31 Jan. to return within such reasonable time as you shall be of opinion
is necessary for the public service.

Cost of Johnson's church. If you are satisfied that Mr. Johnson's account of the expences
he has incurred in the erection of a temporary place of worship is
correct, I see no objection to your disbursing him the amount by
a bill on the Lords Commissioners of the Treasury.*

I am sorry to hear of the indisposition of Lieutenant-Governor
King. I trust it may be but temporary, as I have every reason
to be satisfied with his conduct.

Mr. Crofton, an ensign in the New South Wales Corps, takes
his passage in the vessel which carries out this dispatch.

PORTLAND.

[Enclosure.]

UNDER SECRETARY KING TO THE TRANSIT COMMISSIONERS.

1 Feb. Gentlemen, Whitehall, 1st February, 1797.

Agricultural will provide and ship on board the Lady Shore, transport, about
implements. to sail to New South Wales, the undermentioned articles, to be
consigned to Governor Hunter, for the use of his Majesty's settle-
ment. His Grace will communicate the contents of this letter to
the Lords of the Treasury.

I am, &c.,
J. KING.

LIST.†

500 sickles, plain, without teeth.
,, scythe blades.
,, axes' heads, fit for clearing ground.
,, pickaxes' heads, for
,, spades, for digging, without handles.
2 tons of rod iron (for nails), and bar iron of different sizes.
½ ton of plate iron.
,, of steel.

J.K.

GOVERNMENT AND GENERAL ORDER.

15 Feb. 15th February, 1797.

Parole—Middlesex. Countersign—London.

Repairing the roads. As the settlers, officers' servants, and others who are at this time
employ'd in repairing and improving the roads between the different
parts of the settlement will be wanted to prepare their respective
grounds which are intended for seed the ensuing season, the
Governor gives this public notice that after the work for the next
week is completed he will not require that attendance on the roads
untill their grounds are finish'd cropping, when he hopes and
expects that they will readily come forward and finish what they
have so well begun.

* This request was made by the Rev. Mr. Johnson in December, 1795.—Vol. ii, pp. 341, 342.
† This is the list No. 2 referred to by the Duke of Portland on the previous page.

The constables of the different districts are desired to give in to the nearest magistrate a list of the settlers who may have either been employ'd themselves in the above necessary work, or who have sent a man upon that duty, together with the number of days they have been so employ'd, in order that the Commissary may receive directions to supply them with so many days' provisions.

JNO. HUNTER.

1797
15 Feb.

UNDER SECRETARY LEWIS TO UNDER SECRETARY KING.

Sir,

War Office, 16th February, 1797.

16 Feb.

There being at this time in the Savoy prison six soldiers who have been ordered by his Majesty to serve for life in a regiment stationed in New South Wales, I am directed by the Secretary at War to enquire whether these men (with four women and two children), together with a proper escort, amounting in all to about twenty soldiers, can be received on board the transport which Mr. Windham understands is on the point of sailing from the river for that settlement.*

Prisoners as recruits.

As there are about fifty more recruits at Chatham for the same destination, it will be very desirable that they also should obtain a passage by the same conveyance.

I am, &c.,

M. LEWIS.

UNDER SECRETARY KING TO TRANSPORT COMMISSIONERS.

Gentlemen,

Whitehall, 17th February, 1797.

17 Feb.

I am directed by the Duke of Portland to desire that you will take the necessary steps to provide for the victualling of the seventy recruits for the New South Wales Regiment, about to embark on board the Lady Shore, transport, during their passage.

Victualling recruits.

I am, &c.,

J. KING.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

Sir,

Downing-street, 22nd February, 1797.

22 Feb.

By the within communication† to me from his Royal Highness the Duke of York, you will see that it is his Majesty's commands that the New South Wales Regiment should be forthwith augmented to ten companies of eighty-five rank and file each. You will therefore immediately communicate with Major Paterson on this subject, and concert with him the best means of carrying his Majesty's commands into effect with all possible expedition. In order to facilitate the speedy completion of the regiment to the above establishment, you will, in addition to such individuals as shall be willing to enlist, and who are not otherwise employed or

Augmentation of New South Wales Corps.

* The transport here referred to was doubtless the Lady Shore, which sailed from England in May following, and was seized by the soldiers.—Post, p. 391 *et seq.*, 413 *et seq.*

† The Duke of York's letter is not available.

1797 engaged in the public service of the settlement, emancipate such
22 Feb. convicts as are ready to enlist, and whose good conduct since their
 ——— arrival shall best entitle them to such an indulgence. Four com-
Emancipate panies of the regiment, to be augmented to the above establishment
as soldiers. of eighty-five per company, are to hold themselves in readiness for
 actual service* under the command of Major Paterson, who will
 receive the necessary directions for that purpose, on the arrival at
 the settlement of a naval force, which will have orders to receive
 Major Paterson and the detachment on board.

Seventy recruits and three subaltern officers will arrive in the
Lady Shore.

Food for the As it is probable that flour or wheat may be wanted on this
troops. occasion towards supplying the armament which will arrive at the
 settlement, you will not fail to furnish them with such quantities
 as can be spared without causing a scarcity of those articles, or
 rendering it necessary to send any more flour from hence to the
 settlement, which must be particularly guarded against.

Ten companies at 85 R. and F. per company 850

A detachment of 4 companies of 85 per company, to hold them-
 selves in readiness under Major Paterson... .. 340

Will remain in the settlement 510

PORTLAND.

THE HON. W. WINDHAM TO THE PAYMASTER-GENERAL.

24 Feb. Gentlemen, War Office, 24th February, 1797.

Augmenta- I have the honor to acquaint you his Majesty has been
tion of New pleased to direct that the N. S. Wales Corps of F't, commis'd by
South Wales Lieut.-Col. Fras. Grose, should be augmented by the addition of
Corps. 1 capt., 1 l't, 1 ens'n, 1 assistant surgeon, 13 serg'ts, 23 corp'ls, 2
 drum'rs, and 197 p. men, so as to consist of the numbers specified
 in the annexed state; and that the said augm'n sh'd take place
 on the estab'ment from the 24th ins't inclusive.

I have, &c.,

W. WINDHAM.

Establi- ESTABLISHMENT of the N.S. Wales Corps of Foot, from 24th Feb'y, 1797,
ment of the inclusive—Ten Companies.

1 lt.-col. comm'ant and captain	1 surgeon
2 majors and captains	2 assistant surgeons
7 captains	42 sergeants
10 lieutenants	50 corporals
10 ensigns	20 drummers
1 chaplain	800 private men
1 adjutant	
1 quarter-master	948

* It is not known on what service these four companies were to be employed. The order was countermanded on 6th March, 1797.—Post, p. 196.

GOVERNMENT AND GENERAL ORDER.

1797

27th February, 1797.

27 Feb.

Parole—Hull.

Countersign—Humber.

THE repeated Orders which have been given to the inhabitants of the town of Sydney relative to the ringing and yoking of hogs before they permit them to run so much at large, and the little attention which daily experience shows has been paid to these different Orders, as well by the numbers which are now seen running about without those checks to their ravages, as from the complaints which have been made of the mischiefs done to the different gardens and other inclosures about the town :

Garden
posts.

The Governor has come to the resolution of taking some effectual step for preventing these mischiefs, and has therefore issued this Order as a hint that he would recommend it to those who have farms to send their hogs thither immediately, and those who have no farms to provide a boy or some person to herd their stock, and to take care that the directions formerly given on this subject be strictly comply'd with. This advice the Governor has thought it proper to give before he issues any other Order on this occasion, and to prevent that loss to individuals which it is highly probable they will suffer if they continue to think that any inattention to the Public Orders of the colony will be suffered to pass without notice.

Herdling
swine.

JNO. HUNTER.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

Sir,

Whitehall, 2nd March, 1797.

2 Mar.

Since I wrote my last letter to you of the 31st January* last, I have received and laid before the King yours of the 3rd of March, 1796.†

It gives me great pleasure to find that your harvest has been so abundant, and I should hope that until sufficient storehouses are built to receive the grain it may, as is the case in this country, be kept in stacks, so as to prevent any material loss.

The harvest.

The Lady Shore carries out all such articles as you have asked for in your letter now before me, namely, tools and naval stores, conformably to the within list,‡ with an hundred stand of arms for the use of such of the inhabitants as you shall judge proper to be entrusted with them. I am very sorry to observe that your application for these arms is made upon account of the disorders and depredations which have been committed by a gang or two of banditti, who have lately formed themselves in the settlement, and have frequently joined the natives in plundering the defenceless settlers. I cannot too forcibly impress upon you the necessity of your immediately employing the most vigorous means for suppressing those gangs, and bringing the persons who shall be found guilty of these robberies to speedy and exemplary punishment.

Cargo of the
Lady Shore.Suppression
of bush-
rangers.

* Ante, p. 190.

† Ante, p. 30.

‡ Not available.

1797

2 Mar.

You must be particularly sensible, from the nature and circumstances of your government, that nothing can endanger it so much as an idea of its being possible that such a banditti can exist in it with impunity, or that punishment does not tread upon the heels of every offence.

Private
stills.

You have acted with great propriety in ordering the demolition of stills for distilling spirits, the use of which must be pernicious in the extreme, and should be prohibited throughout your government; and no attention or pains should be spared to prevent and guard against the consumption of an article no less destructive of the minds than of the health of the inhabitants.

Lists
of Irish
convicts.

I have transmitted to the Lord Lieutenant of Ireland that part of your letter which relates to the careless manner in which the lists of the convicts have been sent from thence; and I have given directions that an account of all the convicts who have been or shall be sent from that kingdom shall be regularly made out, together with the terms of their transportation and the assignment of their services.

Judge of the
Vice-
Admiralty
Court.

I enclose you the copy* of the Advocate-General's opinion relative to the difficulties you conceive to exist in convening a Vice-Admiralty Court. If I find by the enquiry which I have directed to be made that Col. Ross has not left any person as his surrogate in the settlement, I will apply to the Lords of the Admiralty to grant a Commission of Judge of the Vice-Admiralty to such person resident in the settlement as you shall point out to me.

PORTLAND.

THE RIGHT HON. HENRY DUNDAS TO THE DUKE OF PORTLAND.

6 Mar.

My Lord,

Parliament-street, 6th March, 1797.

An order
counter-
manded.

It having been determined that the service upon which it was in contemplation to employ a detachment of the corps at present stationed in the settlement of New South Wales should not proceed, I take the earliest opportunity of acquainting your Grace with this determination, which renders it necessary that I should request of your Grace to receive his Majesty's pleasure for countermanding any orders† which may have been given in consequence of my letter of the 21st ultimo, for augmenting the said corps, and for holding a detachment thereof in readiness for embarkation.

I have, &c.,

HENRY DUNDAS.

GOVERNMENT AND GENERAL ORDER.

10 Mar.

10th March, 1797.

AT the particular wish and desire of the settlers in every part of the colony, who have long suffered themselves to be most shamefully imposed on by such people as they have had occasion to hire

* Not available.

† See Portland's letter to Hunter, 22nd February, ante, p. 193.

RATES OF WAGES.

197

to perform the various kinds of labour which their farms required, the Governor had thought proper, in order to deliver them from a practice so injurious to their industry, to direct, by an Order of the 14th of January last,* that the settlers inhabiting the different districts should call a meeting, and forward to him their several opinions relative to the rate of wages for the different kinds of labour which their farms might require, and which they were of opinion they could reasonably afford to pay.

1797

10 Mar.

Labourers' charges.

His Excellency has therefore, from the rates delivered to him from the different districts, been enabled to fix a mean rate, which he conceives to be fair and equitable between the farmer and the labourer, and is as follows, viz. :—

A scale of wages.

	£	s.	d.
Falling forest timber, per acre	0	9	0
Ditto brush ground, per do.	0	10	6
Burning off open ground, per do.	1	5	0
Ditto brush ground, per do	1	10	0
Breaking up new ground, per do.	1	4	0
Chipping fresh ground, per do.	0	12	3
Chipping in wheat, per do.	0	7	0
Breaking up stubble or corn ground, 1d. 3 farthings per rod ; or, per acre	0	16	8
Planting Indian corn, per acre	0	7	0
Hilling ditto, per do.	0	7	0
Reaping wheat, per acre	0	10	0
Threshing ditto, per bushel	0	0	9
Pulling and husking Indian corn, per do.	0	0	6
Splitting paling, 7 feet long, per hundred... ..	0	3	0
Ditto, 5 feet long, per do.	0	2	0
Ditto, 3 feet long, per do.	0	1	6
Sawing plank, per hundred feet	0	7	0
Ditching, per rod, 3 feet wide and 3 feet deep	0	0	10
Carriage of wheat, per mile, per bushel	0	0	2
Ditto Indian corn, neat, per do.	0	0	3
Yearly wages for labour, with board	10	0	0
Wages per week, with provisions, consisting of 4 lb. of salt pork, or 6 lb. of fresh, and 21 lb. of wheat, with vegetables	0	6	0
A day's wages, with board	0	1	0
Ditto, without board... ..	0	2	6
Do., a Government man allowed to officers or settlers in their own time	0	0	10
Price of an axe	0	2	0
New steeling ditto	0	0	6
A new hoe	0	1	9
A sickle	0	1	6
Hire of a boat to carry grain, per day	0	5	0

It may not be improper to remind the settlers that in order to prevent any kind of dispute between the master and servant, when

* Ante, p. 189.

1797
10 Mar.
—
Advice to
employers.

they have occasion to hire a man for any length of time, that they will find it highly proper and convenient to hire for a quarter, a half-year, or year, and to make their agreement in writing, from which, should any dispute arise, a Bench of Magistrates will at all times be able to settle it, the English law being very full and clear on this subject.

JNO. HUNTER.

THE ESCAPE OF MUIR.*

13 Mar.

The escape
of Thomas
Muir.

THOMAS MUIR, transported by the British Government to Botany Bay, reached Cuba about the beginning of this year. The vessel in which he escaped carried him only to Nootka Sound, from whence he travelled nearly the whole length of the west coast of America, and reached Panama, the Governor of which shewed him every civility.

He crossed the Isthmus of Darien, and went in a Spanish frigate to Cuba; but the Governor of that place had received a letter from the Governor of Panama expressing doubts how far it was proper to suffer a man of his principles to be at large, and he is now confined on the north side of Cuba till a proper opportunity occurs of sending him to Spain, to let the Spanish Government decide on his fate.

THE WAR OFFICE TO LIEUTENANT-COLONEL GROSE.

Sir,

War Office, 13th March, 1797.

Augmen-
tation of
New South
Wales Corps
abandoned.

I have the honor to acqt. you that H.M. has thought fit to countermand the orders given in my letter of the 24th, last month, for augmenting the troops under your command.

The officers who have been appointed, in consequence of the intended augmentation, are to be second in their respective ranks, and are to fall into vacancies in the establishment as they shall occur.

I am, &c.,

W. WINDHAM.

GOVERNMENT AND GENERAL ORDER.

20 Mar.

20th March, 1797.

Parole—Europe.

Countersign—Asia.

Intercourse
between
convicts.

As great evils continue to be felt from the frequent and unrestrain'd passing and repassing of idle and disorderly persons from one district of the settlement to another, in order to check so great a nuisance as much as possible, and to break that chain of iniquitous correspondence which is too frequently kept up

* Reprinted from the *Oracle and Public Advertiser* of 13th March, 1797.

through such means, the Governor judges it necessary to remind every inhabitant of the colony that he issued an Order against this improper practice on the 2nd of Octr., 1795,* in which the constables and watchmen of the districts of Sydney, Parramatta, Toongabbe, and the Hawkesbury were strictly enjoyn'd to examine all male and female convicts, and all suspicious persons whom they might find in either settlement not belonging thereto, and were authoriz'd to confine them if not provided with a written pass signed by the officers then authoris'd to give them; as the same evils then complain'd of do still prevail, the Governor finds it necessary to revive the above Order, and to inform those who may require passes that they will receive them from Captain Johnston (the Govr's aid-de-camp), the officiating magistrate of Sydney and Parramatta, and commanding officer at the Hawkesbury. Officers' servants will receive them from their respective masters. And it is further ordered, that when the person having occasion for such pass shall arrive at the place for which he receiv'd it, he is to shew it immediately to the chief constable of that district, who will date and countersign it, as a proof to any magistrate who may see it that it was presented upon arrival.

1797
20 Mar.
The
passport
system.

Officers'
servants.

JNO. HUNTER.

CAPTAIN JAMES WILLCOCKS† TO UNDER SECRETARY KING.

No. 4, Old Broad-street, Royal Exchange,

Sir,

24th March, 1797.

24 Mar.

I beg leave to acquaint you the ship *Lady Shore*, chartered by Government for the purpose of carrying convicts and troops to New South Wales, is now lying at Gravesend, with the female convicts on board, and expect to receive the troops on board immediately. Finding there is no surgeon appointed to go in the ship, or medicines yet provided, I think it my duty to acquaint you that it is absolutely necessary, for fear of any fever raging in the ship amongst those people, that medicines and medical assistance should be provided for so long a voyage, for the welfare of the troops as well as the convicts.

A surgeon
for the
Lady Shore.

I have, &c.,

JAMES WILLCOCKS.

GOVERNOR HUNTER'S WARRANT FOR COURTS-MARTIAL.

George R.

25 Mar.

WHEREAS an Act has been made and passed in this present session of Parliament, entitled "An Act for Punishing Mutiny and Desertion, and for the better Payment of the Army and

The Mutiny
Act.

* Vol. II, p. 322.

† Captain Willcocks was master and owner of the transport *Lady Shore*.

1797 their Quarters."* And whereas we have this day been pleased to
 25 Mar. establish Articles of War for the better government of all our
 forces, which Act of Parliament and Articles of War are hereunto
 annexed ; we, for the more effectually carrying the purposes of
 the said Act and Articles of War into execution within the limits
 of your command, have thought fit to direct, and we do hereby
 Authority to assemble Courts-martial. authorize and empower you from time to time, as occasion may
 require, to convene or cause to be assembled General Courts-
 martial for the trial and punishment of mutiny and desertion, or
 any other offence committed against the rules of military discipline
 by any officers or soldiers of our forces under your command.
 And we do hereby further empower you to direct your warrant
 to any officer, not under the degree of a Field Officer, having
 the command of a body of our said forces, authorizing him to
 convene Courts-martial for the trial of offences committed by
 any officer or soldier under his command, every of which Court-
 martial shall consist of a president and of a competent number
 of other officers who can be conveniently summoned to attend the
 same, regard being always had, as well in the appointment of such
 president as in the rank and quality of the other officers composing
 such Courts-martial, to the rules prescribed by the said Act of
 The Articles of War. Parliament and Articles of War. And we do hereby authorize
 and empower such Courts-martial to hear and examine all such
 matters and informations as shall be brought before them touching
 the misbehaviour of any commissioned officer, non-commissioned
 officer, or soldier, by mutiny, desertion, or otherwise, as aforesaid ;
 and to proceed in the trial of such charges, and in giving sentence
 and awarding punishment according to the powers and directions
 contained in the said Act of Parliament and Articles of War.
 And we do hereby authorize and empower you, when and as often
 as any sentence shall be given and passed by a General Court-
 martial legally constituted as aforesaid, to cause such sentence to
 be put in execution, or to suspend, mitigate, or remit the same,
 as in your discretion you shall see cause. And as there may not
 in any case be a failure of justice from the want of a proper
 person authorized to act as Judge-Advocate, we do hereby further
 The execution or remission of the sentence. empower you, in default of a person appointed by us or deputed
 by the Judge-Advocate-General of our forces, or during the ill-
 ness or occasional absence of the person so appointed or deputed,
 to nominate and appoint a fit person from time to time for
 executing the office of Judge-Advocate at any such Court-martial
 for the more orderly proceedings of the same. And for enforcing
 the adjudication or sentence of every such Court-martial we do
 also give you authority to appoint a Provost-Martial, to use and
 exercise that office as it is usually practised in the Law Martial.
 Appointment of Provost-Marshal. And for executing the several powers, matters, and things herein
 expressed, these shall be, as well to you as to the said Courts-

martial and all others whom it may concern, a sufficient warrant. 1797
Given at our Court at St. James's, this 25th day of March, 1797, 25 Mar.
in the thirty-seventh year of our reign.

To our trusty and well-beloved John Hunter, Esq., General
and Governor-in-Chief in and over our territory of New
South Wales; or, to the Commander-in-Chief of our forces
there for the time being.

By his Majesty's command,
PORTLAND.

THE HON. W. WINDHAM TO THE PAYMASTER-GENERAL.
Gentlemen, War Office, 25th March, 1797.

A detachment belonging to the corps serving in New
South Wales, consisting of the numbers specified in the margin,* Reinforce-
having been ordered to embark for that settlement, I have the ments.
honor to acquaint you therewith, and to signify to you the King's
pleasure that you do issue subsistence for the said detachment for
twelve months in advance. I have, &c.,

W. WINDHAM.

GOVERNMENT AND GENERAL ORDER.

27th March, 1797. 27 Mar.

Parole—Spain. Countersign—Portugal.

THE repeated Orders which have been given for preventing the mis-
chiefs done to the gardens and other inclosures of the inhabitants of
Sydney, by the hogs which have been permitted by their owners to Destructive
run loose without yokes or rings, having produc'd no other effect than animals.
the shutting them up for a day or two, the Governor has thought
proper, for the purpose of getting the better of such public nuisance,
to direct that a pound be erected, into which all hogs found in the The first
describ'd, and forbidden in former Orders, will be driven, where, if pound.
not claim'd in twenty-four hours after confinement, and the damages
either immediately paid or security given to the sufferer (exclu-
sive of the expence of pounding and feeding), they will be sold as
public property, and the damages paid as far as the value of the
animal will go. All pigs which may be too young to ring or yoke
are not to be suffer'd to go at large; if any person or persons are
so inattentive to the Public Orders as to suffer them to run loose
they will be liable to the expence of the damages they may have
done.

It is necessary to add that all hogs which may be yok'd and The penalty.
ring'd, if found in any garden or inclosure, or doing mischief to the
concerns of the inhabitants, will be pounded, and the damages
they may have done must be paid by the owners.

JNO. HUNTER.

* 1 adjutant, 3 serjeants, 67 private men.

THE JOSEPH BAYNE TO GOVERNOR HUNTER. (Banks Papers.)

My Dear Sir.

Jaime Square, 30th March, 1797.

Shew how high
reason of
the Colonist.

I congratulate you on the state in which you found your colony, and I feel infinite satisfaction in reading your account of it. I know it will prove an incentive to you to press forward the improvements. The climate and soil are in my own opinion superior to most which have yet been settled by Europeans. I have always maintained that assertion, grounded on my own experience, but have been uniformly contradicted except by Govr. Phillips, till your last favors have taken away all doubts from the minds of those who have been permitted to peruse them.

He hath a
Hunter's
government.

You have a prospect before you of no small interest. To the feeling mind a colony just emerging from the miseries to which new colonists are uniformly subjected, to your abilities it is left to model the rising State into a happy nation, and I have no doubt you will effect your purpose. Here matters are different. We have of late seen too many symptoms of declining prosperity not to feel an anxious wish for better times. I keep up my spirits and those of my family as well as I am able, but in truth, my dear sir, could it be done by Fortunatus's wishing-cup, I have no doubt that I should this day remove myself and family to your quarters and ask for a grant of land on the banks of the Hawkesbury. My next, I hope, will state better hopes.

Depression
in England.

Greater
Britain.

The recovery of your cattle—for I consider them to be recovered tho' they are not caught—is a matter of no inconsiderable importance to you. I see the future prospect of empires and dominions which now cannot be disappointed. Who knows but that England may revive in New South Wales when it has sunk in Europe.

Botanical
collection.

Whenever prosperity returns, I shall solicit the King to establish a botanist with you. The plants we have received, which are now tolerably numerous, make a most elegant addition to the gardens. I trust, good sir, that when you make your excursions, or when you send parties into new districts, you will not forget that Kew Garden is the first in Europe, and that its Royal Master and Mistress never fail to receive personal satisfaction from every plant introduced there from foreign parts when it comes to perfection.

European
politics.

Respecting the political state of things here, it is nearly the same as when you left it. Pitt rules, Fox grumbles, the French beat all whom they attack, and the King of Prussia threatens all who assist the Emperor. The chief change is made by the death of the Empress of Russia. The new emperor seems honest and inclined to peace. The best hope we have, however, is that he will keep the King of Prussia in some check. From Prussia however, peace is to come at last, for he is the only power situated near the seat of war who is not exhausted. As soon as it comes you shall hear from me. I am a bird of peace. My business as an encourager of the transport of plants from one country to another.

A botanist,
not a politi-
cian.

is suspended during war, and then, as I am no politician, I am the least employed when all other people are in hurry and bustle.

1797
30 Mar.

Accept my best thanks for the favor of your correspondence. Be assured I put a full value upon the continuance of your friendship, and believe me, as I in truth am, with real regard and esteem,

Yours, &c., JOS. BANKS.

UNDER SECRETARY KING TO THE TRANSPORT COMMISSIONERS.

Gentlemen,

Whitehall, 2nd April, 1797.

2 April.

Ensign Prater, of the New South Wales Corps, being under orders to join the said corps at New South Wales, I am directed by the Duke of Portland to desire that you will agree with the captain of the *Lady Shore*, transport, to convey Ensign Prater to New South Wales on board that ship, if she has not already sailed.

Ensign
Prater.

I am, &c., J. KING.

LETTERS FROM SYDNEY.*

London, 8th April.

8 April.

The settlement of Sydney prospers. They are constantly extending their boundary of cultivation. Their last harvest has been most abundant, and they say they will want nothing from Europe but salt meat. They have unexpectedly recovered a most valuable prize of live stock. A boat's crew having landed some time ago in a creek at a considerable distance from the Cove in search of fresh water, were surprised by a voice in English, directing them where they might find a spring. They found a convict man who had run away from the settlement five years before, and resided with the natives ever since.† They took him back to the Cove, but he gave them the important information that a number of stray cattle herded in a valley near to where he was found. Five cows and two bulls had strayed from the settlement in 1788, and it was of the utmost consequence to recover them.

Progress
of the
settlement.

The lost
cattle.

In consequence, the Governor and a select party set out in search. After three days' march, when halting during the night, as they lay on the grass they heard the bellowing of cattle, and at the dawning of day discovered a herd of bulls and cows, amounting to sixty-one in number, a wonderful increase in eight years. They were extremely wild and vicious. They had taken possession of a most fertile valley, and they seemed determined to resist all invaders. A bull, fierce and of great size, made an attack on the party with such obstinacy that they were obliged to shoot him. He took six balls through the body before they durst approach him; but in revenge they eat a beef-steak cut

The cow-
pastures
visited by
Hunter.

* Reprinted from *Saunders's News-Letter*, Wednesday, 12th April, 1797.

† This man's name was Wilson. Collins alludes to him frequently.

1797 from his rump on the spot. The Governor would not suffer them
8 April. to be removed from the place they had chosen for their habitation,
as a few years will give them a wonderful increase; but in the
meantime they are carefully watched.

GOVERNMENT AND GENERAL ORDER.

11 April.

11th April, 1797.

Parole—Law. Countersign—Justice.

Public
bakers.

MANY complaints having been made, not only of the exorbitant demands made by the public bakers upon those who are under the necessity of employing them, but of the impositions practis'd in the quality as well as quantity of the bread return'd in lieu of the flour or grain deliver'd to them, the Governor has directed that the Judge-Advocate and two other magistrates do hold a meeting for the purpose of investigating this business, as well as for examining and regulating the weights and measures at present in use thro'out the colony.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

14 April.

14th April, 1797.

Parole—Cropping. Countersign—Season.

The rate
of wages.

THE rate of wages for the different kinds of labor having been establish'd agreeable to the wishes and opinions of the settlers in all the districts in the colony,* it becomes necessary that the strictest attention be paid by all who are concern'd in farming to those establish'd rates, and no longer to suffer themselves to be impos'd upon.

Evading
an Order.

The Governor, having much reason to suspect that there are some settlers in the colony who, notwithstanding the bond they have given that they will rigidly attend to the rates of wages already establish'd, do attempt in some way or other to evade this necessary regulation, which evasion must operate to the injury of other industrious men.

The Governor has therefore, the more readily to detect so shamefull a practice, judg'd it requisite to hold out a reward to those who will come forward and give such information as may be sufficient to convict those who shall act so improper a part, by promising that one-third of the forfeit money shall be paid to the informer. This is a regulation which, his Excellency is of opinion, the settlers cannot but approve.

Penalty for
disobedience

It is also desired that any settler or other person having occasion to hire laborers do give immediate information of any laboring man who, offering himself for hire, shall refuse to accept the regulated prices for labor already settled; such persons, being incapable of living in this country without work, will be immediately apprehended and prosecuted as a vagrant who has no visible means of living.

JNO. HUNTER.

* Ante, pp. 189, 197.

MUTINOUS SOLDIERS ON THE LADY SHORE.

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WAR OFFICE TO THE PAYMASTER-GENERAL.

1797

Sir,

War Office, 24th April, 1797.

24 April.

Lt.-Col. Grose having been entitled by the terms of his letter of service for augmenting the New South Wales Corps, under his comm'd, to the nomination of officers in augmentation thereof, in aid of the expence of this levy, and there being a supernumerary captain in that corps, it has been thought expedient that the company now vacant, and to which the commandant was to have recommended as above mentioned, should be appropriated to the supernumerary captain,* and that the com't should be indemnified for the value of the promotion thereto; I am therefore to signify to you his Majesty's pleasure that you do issue to Messrs. Cox and Greenwood, agents to the corps before mentioned, the sum of £900, and that you do charge the same against the account thereof for the current year.

Augmenta-
tion of New
South Wales
Corps.

I have, &c.,

W. WINDHAM.

THE SOLDIERS ON THE LADY SHORE.

1 May.

EXTRACT from a letter from the purser of the Lady Shore, on her way to Port Jackson, addressed to his father, the Rev. John Black, May 1st, 1797.

I SINCERELY wish (as do all the ship's company) that we were now laying at Port Jackson, delivering our precious cargo, instead of Torbay, for the soldiers are the most disagreeable, mutinous set of villains that ever entered into a ship. Two of the serjeants behaved so ill that Captain Willcocks† was obliged to insist upon their commanding officer confining them in irons, for they have their own officers on board, and the captain and officers of the ship have no power over them. Major Semple‡ is a quiet sort of man, and I have no doubt will behave like a gentleman, and give us no trouble. He was some days since applied to by two of the villains to know if he would head them in an attempt to seize the ship after they should get well out to sea, and had left the convoy, one of them, at the same time, telling him this was the eighth time he had embarked for Botany Bay without reaching it, and he was determined he would not this time, and that he was sent on board by force from a police officer. This was immediately reported to the officers of the ship by Semple, in consequence of which the soldiers vow vengeance against him, threatening to throw him overboard the first opportunity.”§

Soldiers on
the Lady
Shore.

Major
Semple.

* Captain Prentice.
† Master of the Lady Shore.
‡ Major Semple (or as he signed himself, Major Semple Lisle) was a notorious swindler who had held Commissions in the French and Austrian armies. Upon conviction for some petty crime he was sentenced to transportation, and endeavoured, unsuccessfully, to commit suicide.
§ The soldiers' mutiny on board the Lady Shore took place 1st August, 1797. Post, pp. 391-397 and 413-415.

1797

GOVERNMENT AND GENERAL ORDER.

2 May.

2nd May, 1797.

Parole—Margate.

Countersign—Sandwich.

Sydney
water
supply.The Tank
Stream.

THE paling in of the spring, a work of much advantage to the health of the inhabitants of Sydney, being now completed, this public notice is given that none may plead ignorance. Whoever shall be known to loosen or take down any of the paling at the bottom of those gardens which are near the spring, or any part of that which surrounds it, for the purpose of getting fresh water without going to the tanks for it, or for any other purpose whatever, the house to which that paling belongs, or is nearest to, shall be immediately pull'd down, let who may be its owner; and whoever shall be known to take water from the stream in any other way than at the tanks will be secur'd and carried before a magistrate, who will order that punishment which a disobedience of Public Orders and regulations may deserve. Particular persons will be directed frequently to inspect the fences all round the streams; it will therefore be necessary that all who live opposite or near it should every day examine the fences of their gardens, keep them in constant repair, and endeavour to prevent that filth and dirt which has so often been found in and about the tanks, and which may have been the chief cause of some of those fluxes and other disorders of which several have lately died.*

JNO. HUNTER.

LIEUTENANT-GOVERNOR KING TO SECRETARY NEPEAN.

9 May.

Sir,

London, 9th May, 1797.

Lieut.-
Governor
King in
England.

Considering it my duty to acquaint you, for the information of my Lords Commissioners of the Admiralty, of my reasons for returning to England, I have enclosed Governor Hunter's official letter on that subject, which I hope will meet your Lordship's approbation.

The benefit I have already derived from the voyage, and the advice of the faculty here, I hope will soon enable me to continue my utmost efforts in any situation that his Majesty's service may require.

The *Britannia* being chartered by Governor Hunter to return to England, he allowed that ship to call for me at Norfolk Island. I embarked from thence the 22nd last October, arrived at the Cape the 15th, and left it the 26th Jan'y, in the *Contractor*, East India ship, and arrived at Plymouth the 6th inst't. I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

GOVERNOR HUNTER TO LIEUTENANT-GOVERNOR KING.

Sir,

Sydney, New South Wales, 7th August, 1796.

Captain Trotter, of the American brig, *Susan*, having very obligingly offered to land any dispatches I might have for Norfolk

Island, I avail myself of that opportunity to acknowledge the receipt of your letters of the 14th July, by the Francis, Colonial schooner, together with your public dispatches for his Grace the Duke of Portland, which shall be forwarded by the earliest conveyance. 1797
9 May.
King's letters.

I am extremely concerned at the very distressing state of your health, and much as I shall regret your departure from the island, on which you have so long, and with so much zeal in the public service, commanded, I cannot refuse my perfect consent to your embracing any opportunity which may offer for your early return to England. You will leave with the officer who may succeed to the command such copy of your instructions as will be requisite for his guidance in the direction of the public concerns of the island and of his Majesty's service generally. His failing health.

Proper attention shall be paid to the recommendations you have offered in favour of particular persons, and that pardon extended which you think them so highly meriting. I am, &c.,

JOHN HUNTER.

GOVERNMENT AND GENERAL ORDER.

13th May, 1797.

13 May.

Parole—Respect.

Countersign—Laws.

WHEREAS John Jeweson, Joseph Saunders, John Wilson, and Moses Williams have at various times and opportunitys absconded from the situation in which they have been placed, and from the work which it was then their duty to have perform'd, and are at this time employ'd in committing depredations upon defenceless settlers and others who live at a distance from any protection: And whereas, in the many robberys and crueltyys which have lately been practis'd upon the above defenceless people by numerous bodys of the natives,* in depriving them of their live stock, burning their houses, and destroying in a few minutes the whole fruits of their former industry, as well as wounding and sometimes murdering them, there is some reason to believe, from white men having been seen frequently at such times amongst them, that such acts of violence have generally been advis'd and assisted by the abovenam'd deserters, who, having absconded from their duty, can have no other means of living. Absconders.

In league with the natives.

This public notice is given from an opinion that it may reach the knowledge of those who are the subject of it. That the said John Jeweson, Joseph Saunders, John Wilson, and Moses Williams do not within the space of fourteen days from the date hereof deliver themselves up to the nearest peace officer they will be consider'd as having lost the protection of his Majesty and the

* Collins (vol. 2, p. 34) states that Hunter announced his intention, if any of the natives could be caught in the act of robbing the settlers, to hang one of them in chains upon the spot as a terror to the others. But this intention, apparently, was not acted upon.

1797
13 May.
Outlawed.

aid of the law ; consequently, if taken, will be considered not only accessory to the death of those natives who may suffer in the unlawful plunder already mentioned, but as accomplices with them in the mischiefs and crueltys so frequently committed by them, and be liable to be immediately executed without the form of a trial, having by their unlawful conduct forfeited the protection of those wholesome laws under which they have been born and bred.

Efforts to arrest the abdoconders.

It is scarcely necessary to advise all the inhabitants of this colony to do their utmost to secure or to give information how those villians may be secur'd, who are so great a pest to the industrious. It is to be hop'd and believ'd that every honest man knows it to be a duty he owes to the whole community to do so ; and they are hereby strictly enjoyn'd, as they value the peace and security of their respective dwellings, to use every means in their power for the detection of the abovenam'd people.*

Given at Sydney, 13th May, 1797.

JNO. HUNTER.

SECRETARY NEPEAN TO LIEUTENANT-GOVERNOR KING.

15 May. Sir, 15th May, 1797.

Lieut.-Governor King. I have received your letter of the 9th instant, with its enclosures, accounting for your return to England, and I have laid the same before my Lords Comm'rs of the Adm'ty. I am, &c.,

E. NEPEAN.

GOVERNMENT AND GENERAL ORDER.

Parole—Sobriety. 15th May, 1797.
Countersign—Diligence.

Certificates of freedom. NOTICE is hereby given that certificates will be granted at the Commissary's office, at Sydney, on Friday, the 2nd June, to such as appear to have completed their term of servitude in this country ; as soon after which as possible such slops as the store can afford will be issued to those who continue in the service of Government, of which time public notice will be given.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

17 May. Parole—Ganges. 17th May, 1797.
Countersign—Britannia.

Surgeon Balmain. His Majesty has been pleased to appoint by Commission,† Wm. Balmain, Esq., to be the principal surgeon to this colony and its dependencies, in the room of John White, Esq., who has resigned.

JNO. HUNTER.

* One of the convicts in the following month gave himself up, and another was taken and lodged in confinement ; they appeared to be half-starved.—Collins, vol. ii, p. 40.
† Ante, p. 70.

THE GAOL AT SYDNEY.

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GOVERNMENT AND GENERAL ORDER.

1797

19th May, 1797.

19 May.

Parole—Long Live.

Countersign—The Queen.

THE inconvenience which we daily experience through the want of that assistance necessary for completing the public gaol obliges the Governor to call a second time upon the inhabitants of Sydney for their aid in the finishing this necessary building. Thatch being the article principally wanted, his Excellency requires that the inhabitants of each house do furnish twenty-four large bundles of grass, and bring them to the goal in the space of ten days; the officers, civil and military, having servants from Government to furnish each fifty bundles, and such of the non-commissioned officers and others of the military who have servants allowed will furnish the same quantity as the other inhabitants.

The public
gaol at
Sydney.

JNO. HUNTER.

SIR JOHN SINCLAIR TO THE DUKE OF PORTLAND.

Board of Agriculture,

My Lord Duke,

Whitehall, 20th May, 1797.

20 May.

The Board of Agriculture being desirous of procuring an account of the improvements that have taken place in his Majesty's colony of New South Wales during the last four years, and some members of the Board having informed us that your Grace has received various returns from that country containing the acres planted in corn and other provisions, the number of cattle, sheep, &c., and certain experiments made upon [MS. torn] and other objects of cultivation, I am requested to make application to you, desiring to be favoured with copies of any such communication as you may think proper to be laid before the Board; and as it may possibly be in our power to suggest some hints which may be of use to the progress of the colony, I trust your Grace will consider it to be of public service to communicate to us that information which can be our only object in making the application. I have, &c.,

The
progress of
agriculture.

JOHN SINCLAIR.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

Dear Sir,

Sydney, New South Wales, 1st June, 1797.

1 June.

My public letters to the Duke of Portland passing thro' your hands will very fully inform you of all the circumstances which I have judg'd it necessary his Grace should be made acquainted with relative to the concerns of this colony. I have complain'd of the innumerable difficultys which have somehow or other been plac'd in the way of my endeavours to fulfil his Majesty's commands, and altho' I have not said near so much on those unpleasant subjects as the magnitude of my embarrassments wou'd have warranted, yet I trust his Grace will observe

Hunter's
difficulties.

1797 that there has been great cause to be dissatisfied with the discoveries I have made, and place them to that account only to which they properly belong, for the whole of my time has been occupied in struggling to surmount them for the present, and in suggesting means for removing them finally in due time from the colony.

Expenses of the colony.

When you come to examine the expences of this settlement since its numbers became considerable, or since 1792, you will say it has not answer'd the expectation of Government. But, sir, I feel no difficulty in declaring it to be my opinion that such disappointment has not proceeded from the nature of the country, but from other causes. There has not been any land cleared on the public account since the above period; the people had been otherwise dispos'd of, and the best lands now in cultivation is the property of individuals. I have already said what were the advantages deriv'd to the colony by the aid afforded from the public servants to officers upon their farms—the labourers were better looked after, and the live stock was preserv'd. But there were at the same time considerable numbers of convicts dispers'd about in various ways, so as to have been completely lost to the public. Had those who had been so improperly dispos'd of been employ'd on Government's land already clear'd, and in clearing more for the benefit of the public, I do not hesitate to say there would not now have been the occasion to purchase so much grain as we find at this time unavoidable; but had that been the case, it wou'd have ruin'd the expectation of officers and settlers, whose interest appears to have been more consider'd.

Improper employment of convicts.

Hunter's first impressions.

When I arrived in the country I saw only the fair side of everything, and wrote from what I saw; but after I had been long enough to look round me and to give some occasional orders, it had been observ'd by some, who might not probably have been pleas'd with the discovery, that the public interest and a strict attention to my instructions were my principal objects. It was also observed that I had no intention to employ the servants of Government in clearing and laying out a valuable farm for my own advantage and emolument, a circumstance which was once recommended to me, and which I might in due time have dispos'd of for my own benefit. It was consequently thought improper that I shou'd receive any more information relative to the colony than I might be able to collect from my own observation; this none cou'd prevent, and this I have been oblig'd to depend upon and to act from. To account for the want of that information which wou'd have enabled me to act with the more certainty, it is only necessary to say that the interest of Government and that of many of its officers here were in direct opposition to each other, and my not chusing to follow the prevailing practice was enough to create jealousy.

He complains of want of support.

By the steps which I have lately taken, and which when I can receive sufficient strength I mean to pursue, if no change takes place in my instructions, I trust I shall soon have as much ground in cultivation on Government account as will prevent the necessity of purchasing to such an extent from individuals grain of any kind.

1797

1 June.

Government farming.

Had the numbers which I have found had been so long scatter'd about the country, and employ'd by private persons, been luckily kept together and employ'd in raising the buildings for public use so much wanted at this time, much expence would have been sav'd to Government; but as you will see by some of the official letters how far this important consideration has been delay'd, I need not say more upon it here.

Public buildings.

You will admit, my dear sir, that I might, with ease to myself, if I thought it right, represent the fair side only of what I have to mention, and leave his Majesty's minister in the dark respecting many matters highly proper for his information, and to the enabling him with the more ease and certainty to give necessary instructions to the Governor for the benefit of the colony; but I have thought it an indispensable part of my duty to be clear and candid in what I represent. I have done so without exaggeration and without any wish to censure the manners of others, but determin'd, as far as integrity and truth will go, to defend my own endeavours against all bombastical speculative opinions, of which some disappointed person has taken the liberty of sending one, I understand, to the Duke of Portland, and of which you will observe I have taken public notice. There is not a person in this colony whose opinions I hold in greater contempt than I do this busybody's, because I have ever observed that under the most specious and plausible of them there has always been cover'd a self-interested motive. No man can possibly defend him in this instance, because it was his duty to have laid his opinions, if for the good of this colony, before me; but it is clear that he was unwilling my observations upon them should at the same time be laid before his Maj's minister, lest they shou'd appear, thro' them, of less weight. I know not what they are, but I will venture to say that his conduct on this occasion is such as to merit the most mark'd reproof, for it is an attempt to undervalue the authority of the Governor, an authority which I trust his Majesty's minister will not suffer to be diminish'd to gratify any man in this country who may be engaged in the ruinous traffic so much complained of in my public letters, and which I am doing all I can to get the better of.*

Candid reports.

Hunter and Macarthur.

The introduction of this destructive trade, which took place since the departure of Gov'r Phillip, has done immense mischief,

The liquor traffic.

* See Captain Macarthur's letter to the Duke of Portland, ante, p. 131, to which, evidently, Hunter here refers.

1797 I have not succeeded. The reward is such that had it been wholly
1 June. amongst the lower classes it would have had effect. I feel myself
so invulnerable from such attacks that, altho' they make me angry,
I most heartily dispise them, but will not fail to search after its
author as long as I remain here.

I will no longer fatigue you, but as you will see our Judge-
Advocate, our Commissary, and Lt.-Gov'r King, I must refer you
to them for much information relative to this country and its
inhabitants.

I am, &c.,

JNO. HUNTER.

Presents
from
Hunter.

P.S.—I hope you may have receiv'd safe a cage of birds I sent
you by the Britannia, Capt. Raven. There will be a box address'd
to you, on service, which contains a small chart, which I will
thank you to forward to Mr. Dempster. Having been able to
collect a few seeds for you, I send by the ship Britannia (Mr.
Dennet, master) a small box address'd to you, upon service; it
contains about thirty-five different kinds, together with specimens
of the plants dried, which are mark'd with numbers corresponding
to those on the parcels of seeds. I hope they may arrive safe, and
turn out worthy your acceptance.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

2 June.

Sir,

Custom House, 2 p.m., 2nd June, 1797.

Native
plants.

With this you will receive the boxes. The pines are in
very excellent order, and I am glad to see one warata in the small
box, from which I am hopeful those planted in the grated box, as
well as those in the box with the pines, will grow, as those in
smaller box were planted first; but, from its being kept in a
closer place than the others (to give it every possible chance), it
has come up sooner. The open box has been so ill-used and sowed
so long that I despair of any coming up there, but still it may be
tried. I should have done myself the honor of waiting on you
to-day, but that I have been so compleatly drenched and rather
limping.

I am, &c.,

PHILIP GIDLEY KING.

Having informed Lord Sydney that I have one tree for him, I
hope there will be no impropriety in my requesting your advice at
what time it may be seperated from the rest.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

10 June.

My Lord, Sydney, New South Wales, 10th June, 1797.

Hunter's
letters.

By the ship Prince of Wales, which left this port on her
way to China, 24th November last, I did myself the honor of
writing your Grace some account of the steps I was pursuing for

removing many obstacles which I had observ'd with pain stood much in the way of the public concerns of this colony.* I also, in a letter mark'd separate,† by the same conveyance, enter'd more particularly into the changes which had taken place in the settlement since it had been left by Governor Phillip. Duplicates of those letters were sent by the Sylph, storeship.

1797
10 June.

Altho' upon the subject of those changes I could have very much enlarg'd, I considered that in the very extensive line of your Grace's present avocations to be minutely circumstantial on such matters might not have been convenient, and would readily be dispensed with. I should not have ventured to touch upon them at all did I not feel them of some consequence in accounting for the various alterations which an anxious attention to the concerns and for the prosperity of this territory had rendered it necessary for me to make. In that separate letter I have given your Grace a short sketch of the different changes and some of the customs which had taken place in the above period, and of which I saw it absolutely necessary as early as possible to get the better, because such customs were, in my opinion, in direct opposition to the public interest, and served only to favor the designs and interests of individuals.

Their
brevity
accounted
for.

When I received the honor of his Majesty's Commission as Governor and Commander-in-Chief in this country, I considered it my indispensable duty to give to his Majesty's minister from time to time, to the best of my ability, the most clear, distinct, and perfect information relative to the concerns of my command. In fulfilling this part of my public duty, which has hitherto been, and will continue to be, with a conscientious zeal for the service and interests of the public, I am sometimes under the painful necessity of drawing your Grace's attention to a number of disagreeable circumstances from which I have received much annoyance and embarrassment since I entered on the duties of my office, and which had been gradually increasing for some time before my arrival, and from various causes had reached a state which required an immediate remedy.

The
Governor's
duty

not always
a pleasant
one.

Your Grace, I trust, will see that I can have no wish or intention to censure the measures of others. Every officer may have a manner peculiar to himself in carrying on that public service entrusted to his care and direction; but as the various steps which I have seen it necessary to pursue imply that I have not approv'd of the last general system for managing the concerns of this colony, and from which I have found so much to surmount before I could venture to lay down any permanent plan for my own endeavours, I feel it incumbent on me to state from time to time the alterations which appear'd to me essentially necessary, and to give my

Establishing
a new
régime.

* See Hunter's letter to Portland, 12th November, 1796, ante, pp. 174-177.

† Ante, pp. 166-174.

1797 reasons for such necessity. This, my Lord, is a duty I owe to
 10 June. his Majesty's service, to your Grace, under whose immediate direc-
 tions I am plac'd, and to my own situation and character.

Hunter
justifies his
action.

Whenever I have an opportunity of laying before your Grace
 an account of any material changes which have appear'd to me
 necessary to be made, I trust the reasons I shall give will be
 such as to justify the measure I have pursued, or may propose,
 and that such steps as I have already taken will not appear
 unnecessary. It is my wish, therefore, where I may differ from
 others, to explain as clearly as I can my motives for such differ-
 ence, and to prevent any error or mistake of another, shou'd any
 such appear, from being placed to my account, who have been
 involv'd from various causes in a scene of continual difficulty
 since my arrival, and these vexations proceeding from the im-
 pediments which I have found in the way of correcting and
 removing abuses, which were I to be indifferent about I shou'd
 expect, as I shou'd merit, your Grace's censure; it is from those
 various circumstances of which I have complain'd in my various
 letters, particularly the separate one already mention'd, that the
 vast expences of the colony have originated. The farther I
 investigate, the greater I perceive is the necessity of a thorough,
 an immediate, and a general correction, without which our errors
 and our crimes wou'd be such as wou'd proclaim us a disgrace to
 the country under whose protection we live, consider'd either in
 a moral or political point of view, and a continual load upon her
 shoulders.

Difficulties
in effecting
reforms.

Our principal numbers being composed of characters of such a
 description as renders uniform order and regularity in all we do
 indispensable, it has been to establish that uniformity, to compel
 an obedience to Public Orders, to encourage to industry, to pro-
 mote decency, to stimulate to good actions, and to deter from the
 practice of bad ones, that my endeavours have been much directed
 and exerted for some time past; and I have the satisfaction
 to say, not wholly without effect, it being now the unreserv'd
 opinion of all ranks (except those whose private interest it may
 be to wish for a continuance of confusion and profligacy), that,
 from the regulations I have had the good fortune to establish,
 our police is now such that we have no disturbances or cries of
 alarm in the night, the time generally chosen for the perpetration
 of every wicked and villainous action; the people are in no fear
 of having their houses rob'd or plunder'd, and their lives endan-
 ger'd, as I found was so very often the case after my arrival; that
 a proper respect is paid to the Sabbath day, which it had been
 long the custom here to neglect and dispise, and from which neglect
 much of our profligacy have originated; and that there is some
 appearance of more alacrity on public duty. These principal
 points being once accomplish'd and establish'd, I have no fear or

Philan-
thropic
motives.

Improve-
ments
effected
by Hunter.

doubt in bringing about all the other dutys which his Majesty's instructions to the Governor point out for my attention. 1797
10 June.

It will now be necessary that I shou'd, in as brief a manner as possible, mention a few steps which have been taken lately, and the effect they have produc'd.

I have mention'd in former letters the musters I was about to have made, and I flatter'd myself that the manner I meant to pursue in making them would be attend'd with advantage, having already discover'd some of the impositions to which former musters have been liable. It had generally been the custom to advertise that a muster was to take place at Sydney on a certain day, and in three or four days after at Parramatta, and after an interval of a few days more at the Hawkesbury. This mode gave good time for imposters and other villains to practise their tricks and ingenuity by answering the first call at Sydney, where they have receiv'd provisions and slops as one resident in that district; on the day of call at Parramatta they have appear'd there, have been enter'd on the muster list of that place, and have been again victual'd and sometimes clothed; the attempt has sometimes been made (and not always unsuccessfully) at the third muster. All this originated in the want of regularity and order in the disposal of the people, each going without restraint wherever it was most agreeable to his wishes. By this means they have been so scatter'd over the colony that they were completely lost to the public; the consequent expence to Government through these impositions, exclusive of the loss of labour, is really, my Lord, beyond my calculation. General musters. Deceiving store-keepers.

To prevent such tricks, I directed that the musters might be made at all the three districts on the same day and hour, a circumstance which it had been believ'd cou'd not conveniently take place; it, however, was put in practice, the whole attended at once, and was the most perfect and complete ever made here. Proper persons were appointed to superintend those at Parramatta and the Hawkesbury, whilst I attended myself at Sydney. But in order that this enquiry might be the more complete, I made a second call of the settlers, at which I chose to be present myself, and questioned them relative to the time they had been settled, the indulgences receiv'd from Gov't, the labouring servants they employ'd, on or off the public store, the quantity of ground in cultivation, &c., &c. By these enquiries I found that there were 150 settlers without any grant of land, or any authority whatever, but such as I mentioned in my separate letter of the 12th Nov'r last,* viz., "A.B. has my permission to settle," and sign'd by the commanding officer. Many who were here for life settled without any conditional emancipation or deed, and some who had several years to serve the public had been permitted to call themselves settlers. Such of those as were good and industrious A new system introduced. A personal inspection. Informal land grants.

* Ante, p. 167.

- 1797
10 June. characters, I was unwilling to recall to public work, after having labour'd hard to establish themselves on a farm; others of less worth our necessities oblig'd me to order in and to work for the public. Thus you will discover, my Lord, how impossible it was for me to do anything on Government account for want of public servants. By these means, however, and the recall of men from many settlers who have been allow'd to retain them too long and to little purpose, by many who have been shelter'd from public knowledge, and employ'd by private individuals, we have got together a gang of about 250 men who are now on public labour of various kinds, and by whose assistance we make some progress in forwarding what has been long wanted.
- Dearth of public labourers.
- An unpopular innovation. The recall of such a number to public labour, and the consequent loss of that labour to private persons, your Grace will readily suppose may have occasioned some ferment—those who have lost them are displeas'd; the men are turbulent and refractory, and do frequently desert from their work. There is much reason to believe that their present conduct is much instigated by those who feel their concerns affected by such regulations, regulations which a few interested persons will no doubt condemn in proportion to the effect they may have had on their concerns. Such opinions, however, I shall continue to hold in the contempt they deserve; let the public concerns speak for themselves; let them be examin'd since I have attempted to improve them by these regulations. The inclos'd paper will shew your Grace what has been done with the men I have recover'd to the public since October last.
- Hunter's attitude.
- Tenures of settlers' farms. It will cost me some time and much labor to fix those settlers who have been left for so long a time in the uncertain manner above describ'd; they ought to have been so secur'd at first as to prevent their being liable to be remov'd from their farms at the will of any person, nor ought they to have been left in this state, which must be an additional embarrassment to those who have the various concerns of the colony to attend to.
- The local market. Your Grace will, I hope, pardon me if I refer to my letters No. 1 and 9,* in which I took the liberty of remarking upon the difficulties which must attend farming in this distant country, where no market can be found by an industrious man who may raise more grain or stock than his family may require. This reference I am the more desirous of pressing, because the steps which I am at present pursuing, and mean to follow up, for fulfilling his Majesty's commands, by attempting to raise from the labor of the convicts as large a proportion of grain as possible, and to render the purchase of that article from others the less necessary, seems to have awaken'd the jealousy of all who have extensive farms, and who are certainly not well pleas'd at any appearance of a saving to the concerns of the public, altho' they owe their success to the assistance they have receiv'd from that public.

* Vol. II, p. 327, and ante, p. 41.

Were Government to establish a public store for the retail sale of a variety of articles—such as cloathing, or materials for cloathing, hardware, tools of every kind, sugar, soap, tea, tobacco, and, in short, every article which labouring people require ; and to indemnify the public for freight, insurance, the sallary of a respectable storekeeper, who shou'd produce regular accounts, and, in short, every other expence attending the sending those articles here, to charge an advance on the first price to that amount, the people wou'd get what they wanted with ease, and at far less expence than in any other way. Payment might be made in such articles as the settler may raise—either grain or stock. Such a store wou'd be a most comfortable thing to that description of people, and wou'd put an effectual stop to the impositions practis'd upon them but too often.

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10 June.
A public
store.

I shall now only trouble your Grace further by mentioning that there are a considerable number of the marines, who were the first troops sent to this country, and who upon the recall of that corps from hence were allow'd to enlist for five years in the New South Wales Corps, some of them having completed this last engagement, are desirous of settling in the country, and are entitled to a double proportion of land in consequence of a double tour of duty. I have been examining some part of the banks of the Hawkesbury, where I had understood there was much good ground, but I found, altho' the land was good, its limits were too confin'd for this purpose, not admitting of a number of settlers sufficient for mutual protection and security against the natives, who travel in numerous bodys ; it is therefore my intention to examine another place, where I have reason to believe there is much excellent land, and to fix them there. The necessity of these detach'd districts will point out to your Grace the propriety of my requesting an addition to the medical and commissary departments.

Settlers
from Marine
Corps.

Land at the
Hawkes-
bury.

I am sorry, my Lord, to add to this letter that we have this last summer experienc'd the weather so excessively sultry and dry that from the very parch'd state of the earth every strong wind has occasioned conflagrations of astonishing extent, from some of which much public and much private property has been destroy'd. Some of the settlers have been ruin'd by losing the whole produce of their harvest after it had been stack'd and secur'd ; others have lost not only their crops, but their houses, barns, and a part of their live stock, by the sudden manner in which the fire reach'd and spread over their grounds. Trains of gunpowder cou'd scarcely have been more rapid in communicating destruction, such was the dry'd and very combustible state of every kind of vegetation, whether grass or tree.

The
weather.

Bush-fires.

The loss of Government has been about 800 bushels of wheat, and we are now, for want of grass, oblig'd to feed some of our

Government
losses.

1797
-10 June.

A bush-fire
at Parramatta.

cattle with grain ; but the expence through this necessity will be but small, as the young grass will soon be up. The people in general have been too careless in securing their crops when reap'd against those vast and tremendous blazes to which this country in its present state is so liable in dry and hot summers. It is to be presum'd that such experience will in future produce more care ; and I shall not fail, in such seasons, to remind them in Public Orders* of the necessity of greater attention to concerns of so much value. As we clear and lay open the country we shall get the better of such accidents ; in the meantime their frequency this last summer has been very alarming, and their appearance truly dreadful. I was call'd out at night lately at Parramatta, and inform'd that a vast fire was quickly approaching a field in which Government had several stacks of wheat. All the men who cou'd be found were order'd out. The field was near a mile out of town. I went thither myself. The night was dark, the wind high, and the fire, from its extent, and the noise it made thro' lofty blazing woods, was truly terrible ; we, however, gave it a direction which sav'd our grain, and we are busily employ'd in thrashing it out. This brings me to mention that the common method of thrashing out grain is very tedious—that it wou'd be a great advantage here, where we are so subject to fire, if we had a few of the horse thrashing-machines invented and us'd in Scotland. I understand they are very expeditious in this operation.

Public
works.

I need scarcely mention to your Grace that I must continue to employ such free artificers as I can hire untill we can complete such works as are essentially necessary. To get the better of as much of this expence as possible, we frequently substitute for corporal punishment a certain time to labour for the public, according to the degree of the crime committed, and this is more felt by the criminal than any other punishment, for it is those only who are upon their own hands that we punish in this way.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

Work perform'd since October, 1796.

Public
buildings,
&c., erected.

1. Built a strong log-prison at Parramatta, of 100 feet long, fitted with separate cells for prisoners.
2. Built a strong double-log'd prison at Sydney, 80 feet long, and fitted as above.
3. Built a windmill at Sydney with a strong stone tower ; it is now ~~at~~ work.
4. Built a granary at Sydney, which will contain from 10 to 12,000 bushels of wheat.
5. Repair'd, cover'd with a complete coat of lime, and whitewash'd ~~and~~ the military barracks, storehouses, hospital, officers' dwelling-houses, ~~and~~ other brick buildings belonging to Government at Sydney, which were in a state of rapid decay, but are now as perfect as ever, and will last many years.

* See Hunter's General Order bearing on this subject.—Post, p. 308.

6. Widen'd and repair'd the public roads for the more easy and expeditious traveling between the different districts of the colony.

1797

7. Building an additional storehouse at Sydney.

10 June.

8. Twenty-four men constantly employ'd making bricks and tiles for public use.

9. Preparing materials for a large windmill at Parramatta, with a stone tower; most of the materials ready, and the building will be immediatly set about.

10. Built two new stockyards for the live stock of Government—one at Parramatta, the other at Toongabbe.

11. Rebuilt several of Govt's boats, which were become mere wrecks and useless.

12. Prepar'd ground, and have sown upwards of 300 acres of wheat for Government.

13. Built quarters for two assistant surgeons; those formerly built intirely decay'd.

14. The town of Sydney has been portioned out into four divisions, in each of which are watchmen, who call the hour of the night (no nocturnal robbery); the houses are number'd, and their inhabitants are register'd. The boats are also number'd and register'd.

15. Many other works, less conspicuous, but equally necessary, have been completed.

LIEUTENANT-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Banks Papers.)

My Lord,

London, 15th June, 1797.

15 June.

The situation in which I stand I hope will excuse any impropriety in thus intruding myself on your Grace's more important engagements; but seeing that the pressure of public affairs may have caused my late request to escape your Grace's recollection, I humbly hope that my inducement to repeat that request will be accepted as some apology for thus trespassing on your Lordship's patience by a repetition of what I trust will not appear importunate, but in some measure pardonable.

King's
request.

I have already had the honor of giving your Grace a detailed statement of my services in the Navy from the year 1770 to 1788, viz., ten years as a midshipman, and eight years as a lieutenant, during which time I served in the East Indies, America, and on the Home station, in all which stations I was so fortunate as to meet the approbation of my superiors.

His services.

In February, 1788, I was appointed by Captain Phillip, then Governor of New South Wales, to settle and command on Norfolk Island, where I remained until March, 1790, when I was sent to England with dispatches. During my command I received Governor Phillip's repeated approbation of the exertions that had been made; and on my arrival in England I found his Majesty had been pleased to appoint me Lieutenant-Governor of Norfolk Island, and soon after I was honored with the rank of a commander in the Navy. My stay in England was only eight weeks (four of which I was confined to my bed by sickness), when I

Command-
ant at
Norfolk
Island.

1797
15 June.
—
Commended
by Phillip

returned to Norfolk Island with my wife, where I arrived in November, 1791; and previous to Governor Phillip's departure for England in 1793 I received the most flattering marks of his approbation, and it is from his representations in my favor that I am indebted to your Lordship's goodness for the increase of my salary, which has become very acceptable to the wants of my increasing family.

and
Dundas.

In consequence of the successful regulations I had adopted for the maintenance of the inhabitants, I was honored with the pointed approbation of Mr. Secretary Dundas by his letter to Lieutenant-Governor Grose, dated 15 February, 1794.* It has been in consequence of these regulations that plenty has abounded in Norfolk Island since Sept., 1792, while the greatest want has been repeatedly felt at Port Jackson, whither we could have sent great supplies of animal food at a time they had not a pound of meat in store, if we possessed the means of transporting it thither. The consequent advantage has followed of being able to support a part of the inhabitants (who are necessarily maintained by the Crown) with grain and animal food at one-tenth part of the expence that it would have cost if carried from India or England, which ultimately made the difference of 1,052 tons of the provisions sent from England being appropriated to the colony at Port Jackson alone.

Progress
at Norfolk
Island.

This saving, and the numbers who have supported themselves without any expence to the Crown, since Sept., 1792 (which has been nearly a third of the inhabitants), has made a saving in the public expence of £28,772 since Nov., 1791.

Public
works.

The erection of a very compleat water-mill, and a very usefull durable wharf, with several other necessary public buildings and works, amounting to the value of £6,249 (calculating the labor of each convict, with his maintenance, at £20 per ann.), has been constructed at no other expence to the Crown (as no artificer has been paid in money) than the labour of the convicts.

Suppression
of the
mutiny
at Norfolk
Island.

Having already been honored with your Grace's opinion respecting my conduct in suppressing the mutiny among the soldiers on Norfolk Island in 1794,† and of the orders then given by Lieutenant-Governor Grose by your Grace's letter to Governor Hunter, I shall forbear troubling your Lordship with the conclusion of that event, which terminated in a satisfactory manner to myself, the reinstatement of order among the soldiers, and the tranquillity of the inhabitants, and, excepting that temporary interruption, the utmost regularity and good order has prevailed from the time the island was settled in 1788 until my departure in 1796, which will be farther secured by the establishment of a Criminal Court, the Patent for which was not received until April, 1796, previous to which all complaints were settled and determined on by myself as a magistrate.

* Vol. II, p. 119. † Vol. II, pp. 103-110, 125-131, 135-173, 173-191, 259-303.

To trouble your Grace with any further particulars of my conduct would be too great a trespass on your time, particularly when I reflect that your Grace and predecessors in office have been constantly informed from time to time by myself and the Governors of the territory, not only of such events as have occurred in the progressive steps of the charge I was honored with, but also of my conduct, and that of those under me.

1797

15 June.

Permit me to assure your Lordship that a severe and long illness alone induced me to solicit Governor Hunter's permission to return to England for the re-establishment of my health, which is so far recruited as to renew my hopes of being long usefull in any situation that his Majesty's service may require. And I trust not to be thought presuming in stating in the most respectful manner that the only savings I have been able to make from my pay does not exceed £650, which is in the four per cents. I have also due to me about £400 for the sale of my effects previous to my leaving the island, to which may be added the valuation of my private stock of sheep and goats, amounting to £652, which I left for the use of Government, the whole of which, amounting to about £1,700, I can assure your Grace, in the fullest extent of truth, is every farthing I am possessed of, excepting my pay, to support my wife, four children, and an aged parent. I should not have presumed to trouble your Grace with this account of my private concerns but that I consider it a duty I owe to his Majesty's service and myself to submit that statement to your Grace's notice.

Forced to return to England by ill-health.

King's worldly possessions.

The situation I stand on the list of commanders is so high up as to preclude any chance of my name being included in any general promotion. My not having served immediately in the Navy during the last nine years I hope will not be an objection to my obtaining additional rank in the service I have spent so great a part of my life in, and in which it has ever been my ambition to rise in.

His rank in the Navy.

But as I have ever considered it my bounden duty to serve his Majesty in any situation that my services might be thought usefull, I trust it will so far appear to your Grace that I have faithfully and honestly discharged the trust reposed in me for the last nine years that any impropriety I may fall into in humbly requesting your Grace's influence in my behalf to obtain the rank of post-captain will be excused from the motives that has induced me to request this mark of your Grace's approbation of my conduct, if I should be so fortunate as to appear deserving of it.

Asks for promotion.

I have, &c.,

PHILIP GIDLEY KING.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord, Sydney, New South Wales, 20th June, 1797.

20 June.

The many subjects I have occasion to trouble your Grace upon increases the number of my letters on the concerns of this

Hunter's letters.

1797 colony to much greater length than I cou'd wish ; but I am in
20 June. hope that the number will be less inconvenient than letters of
greater length and containing much variety of subject.

In the various steps which I am regularly pursuing for bringing
into order the perplex'd concerns of the settlement, I have some-
Unavoidable times occasion to mention the same matter more than once, and
repetition. that happens from its being next to an impossibility to discover
all which it may be necessary to have a knowledge of in one day,
or in one month.

Consumption
of wheat.

Our present expenditure in wheat is at this time very con-
siderable, and no doubt occasions an appearance of great expence,
but your Grace will observe that it is occasion'd by the want of
those articles which have generally been sent us from England,
and which, being a part of the allow'd ration, it becomes neces-
sary to substitute some other article in lieu ; having no other, we
serve an additional proportion of wheat. Pease, rice, and sugar
have been sometimes expended. They are, therefore, replac'd by
an additional quantity of wheat. One of the ships just arriv'd,
having touch'd at Rio de Janeiro, has brought from thence for sale
a quantity of sugar, which I have consider'd at a less price than
Sugar. Government could possibly at this time send it from England.
I, therefore, have purchased ten tons at one shilling per pound,
which I trust your Grace will not disapprove.* There are several
other articles which have been long applied for, without which we
shall be intirely at a stand. As far as I can procure them from
such ships as call here, I feel myself compell'd, much against my
inclination, to purchase.

Officials
engaging
in trade.

I have already, in my separate letter of the 12th November,
1796,† mention'd the consequences to the public service of that
rage for speculation and traffic which seems to pervade the
majority of those holding situations under the Crown, and that
this evil has descended to superintendants, storekeepers, and
various other descriptions of people, so that the public duty was
intirely neglected. Every day convinces me more and more that
many of those people, if they cannot be prevail'd on to make
their public office their first consideration, shou'd be remov'd.
Their private concerns occupy all their time, and £50 per annum
seems to be no object when £300, £400, or £500 is to be gained
by trade. The farms in the hands of some individuals are very
extensive. I pretend not to judge how far this may prove a
public benefit ; but I am very sensible that those who possess
them will ever be found inimical to the success of Government in
agriculture, because such success affects their main object.

Abuses of
the system.

I have formerly given an opinion on the advantages derived
to the colony by the officers, civil and military, having taken to
farming and rearing of stock. I have never changed that opinion ;
but I have discover'd what I cou'd not foresee when I gave it :

* The Duke of Portland did not approve of this purchase.—Post, p. 513. † Ante, p. 166.

advantages deriv'd from their exertions in agriculture 1797
 enabled them to pursue a more extensive field in the way of
 commerce, has been as injurious to industry as their former
 mode were beneficial. The farming of officers whilst they
 held appointments under the Crown might probably
 be liable to create the inconveniences we have had
 occasion to notice had they been granted under
 regulations and restrictions. It may be found difficult
 to the better of those inconveniences; but some regula-
 tions hereafter be adopted which may answer that end.
 I cannot offer a more convincing argument with your Grace,
 how far the traffic has been injurious to industry in
 than by mentioning that the vast variety of debts
 incurred for before the last Court of Civil Judicature, held
 for the purpose of compelling the settlers to be honest and to pay
 their debts, has been the complete ruin of many of them;
 they have been oblig'd to sell their farms and throw away their
 for some years past to enable them to pay debts most of
 which had been contracted by drinking spirits at a most exorbitant
 price from thirty to sixty shillings per gallon. Your Grace will
 see this truth what are the description of people our settlers
 now compos'd of; and your Grace will also discover what a
 vile article of trade spirits have been smuggled into the colony
 in opposition to my best endeavours and Public Orders, and
 I have endeavour'd to prevent it by means of a guard on
 and every other caution, I have not succeeded. The stock
 of this destructive article in the colony when I arrived was very
 considerable.

Debts
of settlers.

Spirits.

The worst characters have unfortunately been placed at the
 distance from head-quarters (the banks of the Hawkes-
 where a considerable number of them refus'd lately to
 obey a Public Order I had occasion to issue, and did not hesitate
 to say *that they did not care for the Governor or the Orders of the*
—they were free men, and wou'd do as they pleas'd. I,
 ever, very soon convinc'd them of their mistake, and they
 became very humble, and promis'd the strictest obedience in
 return if I wou'd pardon this offence. This turbulent conduct
 never have happen'd had these people been kept under
 regulations from the beginning. I trust, however, my
 efforts that we shall in time bring them to be more orderly and
 content, much happier, and probably more opulent than they at
 present are.

Refractory
convicts.

Many complaints having been made by the settlers of the heavy
 expense attending the hire of labourers, I have considered their
 want, and have established the rate of wages* for the different
 kinds of labor all over the colony, to which I have bound the
 masters.

The rate
of wages.

* Ante, pp. 197, 204; post, p. 298

1797
20 June. settlers by written articles strictly to adhere under a certain penalty. This will prevent impositions of some extent. We have no less than 700 men out of their time and off the public store, and we have many more whose time being nearly expir'd will be discharg'd if they desire it.

Expirees.

Many of them have become a public and very dangerous nuisance ; being too idle to work, they have join'd large bodys of the natives, and have taught them how to annoy and distress the settlers, who have many of them been murder'd by them, their houses burnt, and their stock destroyed. They have threatened to burn and destroy our crops upon the ground, and to kill our cattle wherever they can find them. I am therefore oblig'd to arm the herds, and it distresses me to say that I fear I shall be under the necessity of sending arm'd parties in all directions to scour the country. I have been out myself with a small party of officers, and I shall frequently do so, and prevent, as far as possible, the destruction of many of those people who are led entirely by the villians who have got amongst them. We are much in want of some small arms and some camp equipage, in order to take particular stations for preventing these mischiefs.

Hostility of the natives.

The vast number of women for whom we have very little work are a heavy weight upon the store of Government.* If we estimate their merits by the charming children with which they have fill'd the colony they will deserve our care ; but it will become a matter for the consideration of Government whether, after the father has withdrawn himself from the service of the public, his children are to continue a burthen on the public store. I have inform'd several that when they quit the service of Government they must take their family with them. The military have many children, and they are all fed and cloth'd at the public expence ; the pay of a private soldier cannot maintain them, and I cannot see their infants in want.

A burden on the store.

Permit me, my Lord, before I conclude this letter, to observe that our vast distance from England, and the great length of time which must elapse before I can be gratified with your Grace's commands on any of the subjects in which it may be requisite I shou'd be instructed, renders my time of suspense exceedingly painful, and in an extraordinary degree so when I have had occasion to complain in my public character on the attempt made by a speculating individual on the authority of his Majesty's Govt. ; this is a circumstance which an honest and honourable pride, and a determination to support that authority by every legal and proper means, will not as a public concern allow me to drop, until it is either notic'd in that light, or is reduc'd to that of a private one, for I cannot suffer such a piece of presumption and impertinence as that of which I have complain'd to pass unnotic'd. I trust your Grace will view it as it deserves. Had the opinions

Communication with England.

Hunter and Macarthur.

* Ante, p. 182 ; post, pp. 508, 685.

of this meddling person, however founded on speculative notions, been respectfully laid before me, as they ought to have been, and it was his duty to have done, your Grace wou'd have received them through me, together with such observations upon their practicability as I might have seen occasion to make, but it was those observations, so necessary for your Grace's more perfect information, that he was unwilling to risk; he wished rather to lay before your Grace some plausible opinion founded upon his own speculative ideas, without its being known how far they were at this time practicable, and to keep me, to whom they ought to have been submitted, if well meant, in the dark respecting their nature. I shall continue to hope that your Grace will so represent this complaint to his Majesty as will prevent in future any attempts of this nature, which may be felt (if not discourag'd) by the Governors of his Majesty's other British possessions as well as this.*

1797

20 June,

Macarthur's
letter to
Portland.

I will take this opportunity to inform your Grace that as such American ships as have touch'd here from time to time have generally taken away such of the people as had completed their term of transportation, I have determined that during this time of war none shall be permitted to leave this colony in a foreign ship. This the men feel as an hardship; but I consider it a duty I owe my country to prevent the loss of so many of his Majesty's subjects, when their country may have occasion for them. In this, altho' it may be thought by some that I have exceeded my authority, I shall hope it may not be disapproved by your Grace.

Expirees
and foreign
ships.

If the commander-in-chief of the King's ships at the Cape of Good Hope had sent two or three frigates here to recruit for the fleet they wou'd have returned again in less than five months, taking the first of the summer, and receive as many men as wou'd be felt by the fleet a considerable advantage.

Recruits for
the fleet.

Your Grace will have understood long before you can receive this that I had refus'd my sanction to an officer sent from the East Indies to recruit soldiers here.† I did not then think, for the reasons which I gave your Grace, that I cou'd with safety to the concerns of the colony allow it; but the numbers who have since been discharg'd from the victualling-books in consequence of their term of transportation being expir'd, and the men whom we have since receiv'd, will admit of those who are upon their own hands being thin'd, for they now do much mischief.

Recruits
for India.

I have, &c.,

JNO. HUNTER.

* See Macarthur's letter to the Duke of Portland, to which Hunter evidently refers; ante, p. 151. The letter was forwarded by the Duke to Hunter for the latter's comments; post, p. 203.

† Ante, pp. 2, 60. The Duke of Portland approved of Hunter's action in refusing to allow the Indian authorities to recruit their forces from the ranks of the expirees.—Post, p. 301.

1797

MAURICE MARGAROT TO LIEUTENANT-GOVERNOR GROSE.*

20 June.

May it please your Honour,

Margarot
claims his
freedom.The British
Constitu-
tion.Slavery
or exile.

Brought a prisoner to this colony in consequence of a sentence of transportation passed against me by the Lord Justice-Clerk of the High Court of Justiciary in Scotland, and approved by his Britannic Majesty, I, with all respect to those officers who here act in his name, claim the restoration of my freedom—freedom, the common birthright of Britons—and to which I feel myself entitled, inasmuch as I conceive my sentence to be fulfilled on my arrival here, that sentence being transportation, not slavery, the latter unknown to our laws, and directly contrary to the British Constitution as it was established by the Revolution of 1688, which placed the present family on the Throne for the immediate purpose of more effectually protecting British freedom. It would therefore not be doing justice to my countrymen, when cheerfully undergoing a long exile for their sakes, were I silently to suffer in my own person so great a violation of their charters.

Unused to the more refined language of a courtier, I must entreat your Honour not to be offended at the plain manner in which I here express myself. This case applies not to me alone, but to every Briton, for if the Executive power can make one slave, it may make all so. Your Honour will then, I hope, perceive the absolute necessity I am under of making such my constitutional demand, and as Lieutenant-Governor of this colony you will, I trust, officially and publicly restore to me my freedom.

Should it, notwithstanding, prove otherwise, I must take the liberty, whatever personal danger may impend, to enter a formal protest against a refusal, which, I apprehend, may be supported, but am certain cannot be justified, by those to whom the Executive power has been committed.

I am, &c.,

MAURICE MARGAROT.

MAJOR GROSE TO MAURICE MARGAROT.

Mr. Margarot,

Grose's
reply.

I have received your letter of the 29th inst., which I suppose is written for the purpose of discovering with what patience I shall bear any seditious remarks you may hereafter see fit to entertain me with.

Margarot
a convict.

I hope, sir, for your own sake, our correspondence is to close here; that, instead of the President of 6,000 persons, whom you boast to have harangued, you will now consider yourself as the convict from whom humility is expected, and to whom very little ceremony will be used if the least propensity to disturb the peace of this place is ever discovered.

* Published in the *Edinburgh Advertiser* of 20th June, 1797. The letter, which bears no date, was evidently written in the year 1794, before Grose embarked for England.

There is every inclination on my part to accommodate your unfortunate situation so far as it consistently can be done, but this I have some idea does not answer your purpose so exactly as if you were able to complain of fetters and severe treatment. If this is at all your desires, it is easy to be furnished with materials for a very long letter; for you may rest assured I have not the smallest doubt, neither shall I have the least hesitation, of forcing as much good order from you as from any other prisoner in the place.

1797
20 June.

Grose
insists on
submission.

I am, &c.,

FRANCIS GROSE.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

Sir, Sydney, New South Wales, 20th June, 1797.

The uncertainty, in the time of war, of my different letters on the various subjects I have had occasion to write upon coming daily to hand will, I hope, be admitted as a sufficient apology for my considering it necessary on some occasions to repeat my applications. The war.

I have some time past written and express'd my hope that a supply of slop clothing wou'd be sent us as early as possible. Since that time we have been so fortunate as to receive a supply by the Sylph, victualing ship, which serv'd to relieve my immediate wants, and not sooner, I assure you, sir, than our necessities demanded. I have now to intimate that we have (except in a few trifling articles) completely issued that supply. Clothing.

Permit me, sir, to propose a change in the article of breeches and stockings for the men, and instead of them to substitute either blue or brown long woolen trowsers, which are far more convenient and comfortable to the people, and much more desir'd by them. If the materials only were sent out the expence of making might be sav'd, as the men wou'd prefer fitting themselves. Such a pair of trowsers answers the purpose of breeches and stockings together, so that very few of the latter wou'd be necessary, and none of the former. Amongst the different particulars sent out with the slops, none has been more usefull than the raven duck or thin canvas. It is exceedingly convenient in the summer for frocks and trowsers, and renders the issuing of woollens at that season less necessary. A change of clothing.

Nothing cou'd have been better consider'd than the sending with the shoes a quantity of sole leather. It has occasion'd our spinning out the proportion of shoes to near twice the time they wou'd have lasted. And here I will take an opportunity of repeating what I have formerly mention'd—that the shoes are exceedingly bad; they will not last a week. Shoes and leather.

Allow me, sir, in this place to say that you can have no idea of the distress we experience thro' the want of a supply of naval stores. These are articles which my own professional knowledge serves to convince me you have in these times a great demand. Naval stores.

- 1797
20 June. for at home ; I have therefore been the less importunate on that subject ; but I can no longer delay assuring you, sir, that such necessaries are exceedingly wanted for forwarding many works upon which my whole stock of resources have been completely expended long ago, and boats and small craft nearly worn out or laid up.
- Tools. Tools of every kind I must not omit to mention, altho' I trust long before you can receive this you will have seen Mr. Palmer, our Commissary, who carried with him all our demands ; and I hope you will find that they have been made out in the manner suggested to me before I left London as the most proper form.
- Stationery. On the subject of stationery, I must observe that unless you were acquainted with the whole process, or manner, in which the various concerns of the colony is carried on, and the different channels thro' which it must pass, to prevent that confusion of which I have had so much cause to complain, and which wou'd often be found to involve greater expence, you can have no idea of the vast quantity of that article necessary. You know, sir, that I am allow'd for stationery £20 per annum, which for my own mere letter-writing and correspondence might be sufficient ; but when it is consider'd that I must supply all the inferior officers, or those whom I must employ on the public business for keeping lists of working partys, for making out daily, weekly, and monthly reports of labour and other necessary returns, it will be found that £50 does not defray my expenses. I am, at this day, obliged to supply *every department* in the colony, and it is fortunate it has been so long in my power. I am, however, drawing very near to the end of my stock of that very necessary article. I have to request, sir, that you will have the goodness to represent this circumstance to his Grace the Duke of Portland, that some way may be suggested for remedying this inconvenient expence, either by increasing my allowance for those purposes, or making a separate allowance for this use, or in any way which may appear to his Grace to be the most proper.*
- Skilled convicts. Among the convicts lately arriv'd by the Britannia and Ganges I am pleas'd to find a few usefull mechanicks. This will enable me to discharge from wages some I have been obliged to hire ; but I am extrem'ly concerned to observe that our repeated demands for tools and implements of husbandry have not been answer'd, nor have we at this time an iron pot or anything to substitute in lieu, and when those people are divided into partys they must have some cooking utensil. Permit me to take this opportunity of assuring you that if the various articles of stores which have been long applied for are not soon sent us we shall be completely at a stand. We have now very little iron left, having been oblig'd so long to manufacture all the tools wanted for artificers or for agriculture.
- Dearth of stores.

I have, &c.,
JOHN HUNTER.

AN ANONYMOUS LETTER.

231

GOVERNMENT AND GENERAL ORDER.

1797

21st June, 1797.

21 June.

Parole—Falsehood.

Countersign—Detect.

WHEREAS an infamous, scandalous, and anonymous letter* address'd to the Governor, has been picked up in the street of Sydney, in which his Excellency's servants are accus'd of carrying on a trade in spirituous liquors under the sanction of their master, and of imposing upon those with whom they are said to have dealt : This is to give notice, that if there is a man in the colony who has in any respect been concern'd in any traffic with any of the servants of the Governor, and who has in way been wrong'd by them, that if such person will come forward before a Court of Civil Judicature and solicit an inquiry into their case, and for that justice to which every inhabitant is intitled, they will be supported and protected by the Governor in making such legal claim to redress. And whereas the peace, regularity, and good order of this colony depends much on the respectability in which its magistrates and other officers are held, it becomes necessary that the authors and advisers of such false, infamous, and scandalous publications be brought to light. It is therefore hereby promis'd that if any person will come forward and give information who the authors or advisers of the infamous anonymous paper above mentioned are, so that the offender or offenders herein may be brought before a Court and prosecuted to conviction, they shall receive a reward of twenty guineas ; and, farther, if the informer is a convict, such convict, beside the above reward, shall receive a full and absolute emancipation, and be permitted to leave the colony by the first opportunity they may meet. An anonymous letter.

A reward.

JNO. HUNTER.

RETURN OF PAY of the New South Wales Corps of Foot for 182 days, from the 25th December, 1796, to the 24th June, 1797. 24 June.

23 sergeants, at 1s. ; 21 corporals, at 8d. ; 14 drummers, at 8d. ; 390 privates, at 6d.

Recruits joined—3 sergeants, 3 corporals, 2 drummers, and 55 privates.

Recruits discharged, 33 ; deserted, 25 ; died, 5.

Total pay, £2,787 13s. 2d.

W. FOVEAUX, Capt'n Command'g N.S.W. Corps.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord, Sydney, New South Wales, 25th June, 1797. 25 June.

After having written my letters No. 25 and 26, which will be forwarded herewith, I had the honor of receiving your Grace's dispatch No. 4,† and the letters which accompanied it, as mark'd in

* Ante, pp. 213, 214.

† This is evidently the letter written in August, 1796, but not dated, which will be found on pp. 95-98, ante.

- 1797 the margin.* Those letters were received by the return of his
 26 June. Maj's ship Supply from the Cape of Good Hope, her commander
 Despatches. having taken them out of the Ganges, transport, just arriv'd there.
- State of the It is matter of no small gratification to me that your Grace
 colony. appears satisfied with the state of the colony, as far as I had
 an opportunity of knowing and reporting it by the ship Young
 William. I do not claim to myself any part of the merit which
 might have been conspicuous in those by whose means that state
 had been forwarded, for I had been but a short time arriv'd.
- Farming When I took the liberty of suggesting to your Grace that
 operations. encouragement being early and amply afforded to settlers and
 others employ'd in farming wou'd be the surest and most expedi-
 tious way of promoting the agriculture of the country, as holding
 out a personal motive to exertion, and in which opinion your
 Grace has been pleased to agree with me, I must beg to assure
 you, my Lord, that in offering that opinion I did not mean to
 consider the public interest as an object to be set aside for a single
 moment. No, my Lord, I trust your Grace will do me the honor
 to believe that it is no less my most earnest wish, than it is my
 indispensable duty, to use every practicable means for reducing
 the heavy expences of this colony. In the short time I have been
 here, and the innumerable difficultys which have unfortunately
 Hunter's been somehow or other plac'd in the way of my early success in
 difficulties. so desirable a consideration, your Grace will discover from my
 successive letters (in which I have detail'd at considerable length
 what those difficultys were, and how great my cause of complaint
 had been) that it is not the work of a day to establish that reform
 in this colony so highly essential to order and good government,
 and which must be preliminary to a reduction of the vast expences
 which it occasions to the mother country. To say that I am con-
 cern'd those expences should be so great is but faintly to express
 The question the anxiety which I have felt on that account since my arrival;
 of expense. and I must request that the original cause may be recurr'd to and
 consider'd, in order that the censure (if any shall be consider'd as
 deserv'd) may fall where it may be thought merited, for I must
 say, my Lord, that much of the sums drawn for in my name were
 occasioned by circumstances which had their existence before my
 time, and were unavoidable on my part.
- Importation In your Grace's letter of the 31st August last† it is particularly
 of grain. noticed that a quantity of grain at a very great expence had been
 imported in the ship Endeavour when she brought live cattle from
 India to the colony. It is impossible for me, my Lord, to form
 any correct judgement on the then necessity of ordering that grain
 to be receiv'd; but, in reply to your Grace's observation relative

* Letters —26th September, 1796, ante, p. 138; 31st August, ante, p. 91; and separate of
 22nd August, ante, p. 96 (note).

† Ante, p. 91.

to the receiving of maize from Norfolk Island at far less expence, I beg leave to say that at that particular time it might not have been in the power of the commanding officer, for want of a ship, to have sent to that island for what they cou'd spare, and the Colonial schooner, which is a mere boat, although capable of carrying a dispatch, is too small for such purpose. I will take the opportunity of observing, my Lord, that with common care and attention I see no occasion for the colony ever to have recourse to Norfolk Island for that article, because maize grows with equal luxuriance here, and consequently shou'd be sold as cheap.

1797

25 June.

As soon as I can have a sufficient quantity of ground in cultivation on the public account, which shall be as early as the labor of the convicts whom we receive from the Ganges and Britannia can effect it, I trust that I shall not only be able to lower the price of every kind of grain, but that the quantity to be purchased by Government will be very small. I will then reduce the private farms in the number of their labourers, unless those who employ them will take them off the hands of Government altogether; but to do that before I can ensure bread for those fed at the public expence would be a very dangerous experiment, as likely to reduce us to want in that necessary article.

Government farming.

The salt provisions which your Grace has mention'd we shall receive from the above two ships will fully complete to the time propos'd; but I must take this opportunity of remarking that in the resource mention'd by your Grace of salting fish, I fear, my Lord, that those who may have hinted the matter to Government have been rather too sanguine. I admit, my Lord, that there are times when industrious individuals who are in possession of a small boat may frequently furnish their family with fresh fish, which are chiefly caught within the harbours; but when we consider this business on a larger scale, as intended to supply several thousand people with even a small proportion, and take into our recollection that there are but few fish of a size fit to salt, that we have no fishing-banks upon this coast like those of the North Sea or Newfoundland to resort to, and upon which we wou'd require boats or vessels of a larger size than small row-boats, we shall see that it will not promise the advantage your Grace may have been led to expect—the men can be employ'd to far better purpose in the field. If we were even provided with vessels fit to navigate along the coast, and to enter the different harbours for this purpose, we wou'd require fishing-nets, hooks and lines, &c., &c.; but I am very apprehensive that had we a number of such vessels, having none but convicts to employ in them, we shou'd frequently have cause to regret such safe opportunities of leaving the colony without permission as such vessels wou'd afford. Your Grace I have no doubt will pardon my taking the liberty to point out those difficulties. I did it, my Lord, because I have often known opinions of this

Salt provisions.

The supply of fish.

Fishing-tackle.

- 1797 nature given too much at random, and without having taken every-
 25 June. thing necessary into consideration. I am pretty well acquainted
 with the practical part of such business myself. I therefore write
 the more confidently.
- Salting fish. A Mr. Boston* was sent out by Government in consequence of
 some proposal he had made relative to the making of salt and
 curing of fish, but he, soon after his arrival, chang'd his plan, and
 he now speculates in some other way, and I am of opinion will
 continue to be one of those whom the colony will not derive any
 advantage from. With respect to what your Grace remarks upon
 Norfolk Island. the swine bred upon Norfolk Island, I am of opinion that were
 that spot wholly applied to such particular use it is highly prob-
 able they would be able to provide a considerable quantity of
 pork for this settlement, which might in the winter season be
 cured there; but they will require materials for this purpose, which
 might be procured from the East Indies. Salt they cou'd make,
 but sugar, saltpetre, and some spices being equally necessary, must
 be sent them; without these articles there would be a risk of great
 Feeding the loss. Indian corn for feeding such animals they can grow abund-
 herds. ance of, but the labor attending the cultivation of this grain is
 so great that they have hitherto consider'd sixpence per pound
 as low as they can sell it; as I am not immediately acquainted
 with the expence of sending this article from England, I am not
 prepar'd to draw the comparative expences. Wheat being a grain
 which does not succeed so well on that island, I fear they must
 have recourse to us for that article; their want in this respect
 occasion'd my sending thither 900 bushels by the last opportunity
 I had.
- Additional soldiers. The two officers and sixty private soldiers coming out in the two
 convict ships† will be a considerable relief to the duty of the troops;
 and I am extremely glad to understand that an addition to the
 medical department will arrive at same time, and that your Grace
 is pleas'd to propose an addition to that of the Commissary also.
- Expense of the civil establish-ment. I beg, my Lord, to mention that you will find that I have antici-
 pated, many months ago, the desire your Grace has express'd that
 I will use every means in my power to lessen the expences of the
 civil establishment by discharging every useless appointment. I
 have discharg'd a millwright sent out by Government on a sallary
 of £105 pr. ann. He had not earn'd £5, altho' he had cost the
 public £600 or more. Anxious as I was to get a mill erected, I
 cou'd not effect it until I found an ingenious Irish convict, who
 has finished a very good one, and as an encouragement I gave him
 £25 and abolished the above sallary, an appointment I saw no
 occasion for. Be assur'd, my Lord, I will continue to discharge

* Mr. John Boston accompanied the Scotch Martyrs on the Surprise.—Vol. II, p. 225;
 post, 490.

† The ships referred to were the Ganges and the Britannia.

from the victualing-books of the colony all improper persons. I have remov'd some hundreds since I arriv'd, many of whom shou'd have been discharg'd before they were. 1797
25 June.

The ship *Britannia*, with convicts from Ireland, arrived the 27th May. From the extraordinary manner in which those people are sent from Ireland hither, I must, in justice to those convicts, repeat my hope that your Grace will give directions that I am furnished with proper lists of all those that have come from that country within the last five years, noting the time of their conviction and the term they are to serve. I have no official list of those come in this last ship, nor any account but such as the master had made on board. It is necessarily inconvenient to our concerns here, and extremely unjust to be obliged to compel the men to longer servitude than the law has directed; but such is our situation with respect to the Irish convicts, who are a very turbulent description of transports. They have more than once threatened opposition to all authority if they are not liberated when their time of servitude is expired, a circumstance we continue to be left in ignorance of. Convicts
from
Ireland.

Their
sentences
unknown.

I am sorry I cannot say much for the health of those come out in the last ship. The people have been kept in irons the whole voyage in consequence of some conjecture that they meant to seize the ship and to murder the officers. They look most wretchedly from the long confinement, and will require some time to recruit before we can set them to work. A suspected
mutiny.

It is much to be regretted, my Lord, that one of the King's naval officers, or some person properly qualified, is not sent out in ships so employ'd; the convict has no person to complain to, whatever cause he may have. Such officer wou'd see they had justice done them in their provision as well as their treatment. They are without protector, entirely at the mercy of the master and his officers, who in the present instance does not appear to have had much lenity, as a number had died on the passage, of whom some had been severely punish'd. I shall direct an inquiry and transmit the result herewith for your Grace's information.* I am disappointed, my Lord, in the surgeon whom your Grace meant in the room of Mr. Irvine, deceased, no such person having arriv'd in the *Britannia*. Treatment
of convicts.

The *Ganges* arriv'd on the 2nd of June. The convicts arriv'd in better health than those already mention'd, altho' some are highly scorbutic. The Ganges.

Altho' this recruit of strength is considerable, and will enable me the sooner to effect what your Grace is desirous of, I must at same time say that I discharg'd the other day more than a hundred whose time was expir'd, and struck them off at their own desire from the victualing-books; and I must observe that many of those who are just arriv'd have not more than eighteen months or two years Expires.

*See the evidence taken before the Judge-Advocate and two magistrates.—Post, pp. 240 *et seq.*

- 1797
26 June. to serve, having been convicted in 1792 for seven years. This is extremely inconvenient, and fills the country with vagabonds. We have the acquisition of an assistant surgeon by the *Ganges*.*
- The assistant surgeons. Permit me to observe, my Lord, that in all the ships from Ireland the surgeon sent upon that service is refer'd to me for a passage home; I must therefore remind your Grace that as all ships sent here are discharg'd from his Majesty's service as soon as clear'd, and are engaged under another contract, I have it not in my power to order a passage for any person from hence.
- Live stock from the Cape. His Majesty's ship *Supply* has landed in health twenty-seven cows and thirty-five sheep;† eight cows, two bulls, and thirteen sheep having died upon the voyage. The ship having prov'd in so weak, decay'd, and leaky a state as to have been thought at the Cape too bad to quit that port upon such a voyage, her commander, Lieut. Will'm Kent, however, consider'd and felt the design of her voyage as of so much importance to this colony, determin'd to run every risk, and fortunately, but with very great difficulty, succeeded. I fear she cannot be again sent to sea. I have directed a most minute survey may be held on her condition.‡ I feel a vast loss, my Lord, from this unfortunate circumstance, because the zeal of this officer has been a source of satisfaction to me in my hope of being able very soon by means of this ship to fulfil the command of his Majesty relative to the stocking this colony with cattle, she being much more fit for this service than the *Reliance*.
- H.M.S. *Supply*. The report of survey is at this moment laid before me, which declares the ship unfit to risk the lives of the men in at sea. She is a complete mass of rotten timber. This report I shall by this conveyance forward to the Admiralty and Navy Boards, to the first of whom I hope your Grace will point out the necessity of sending a ship instead of the *Supply*, whose officers and company, having no means of sending to England, I shall detain and employ in such way as the service may require.
- An unseaworthy vessel. If it should please the Lords of the Admiralty to order that a ship may be sent us as early as possible, a small compliment of men may serve to bring her out, and that number may at same time serve to complete the compliment of both ships, which are at present very deficient. This ship wou'd also be convenient for saving freight for such stores for the colony as have been applied for.
- Lieutenant Kent. The zeal manifested so frequently by Lieut. Kent for the service of this colony will induce me to take the liberty of soliciting for so deserving and capable an officer a step in the line of his profession. His claim is great, were it only from length of service (twenty-seven years, seventeen of which he has held a Commission as

* Mr. Assistant-Surgeon Mileham.—Ante, p. 98.

† According to Collins (vol. II, p. 35), the *Supply* arrived on the 16th May, 1797, having on board "31 cows, 5 mares, and 27 ewe sheep—all of them in good health." See also post, p. 27.

‡ Post, p. 230.

lieutenant); but it is the dependance I have on his steady and active conduct on which I rest the propriety of my request to their Lordships. Should no other officer have been recommended to your Grace as a successor to Lt.-Govr. King on Norfolk Island, I know few more fit, should the Lords of the Admiralty think him deserving the rank of commander in the Navy, a circumstance which I cou'd not doubt their agreeing to were it in the smallest degree counternanc'd by your Grace. I have, &c.,

1797

25 June.

JNO. HUNTER.

P.S.—One of the persons* who arriv'd here having mentioned their having found a large quantity of coal, the day before they were taken off, I have lately sent a boat to that part of the coast. The gentleman who went, Mr. Bass, surgeon of the *Reliance*, was fortunate in discovering the place, and has inform'd me that he found a strata of six feet deep in the face of a steep cliff, which was trac'd for eight miles in length; but this was not the only coal they discover'd, for it was seen in various other places.

Coal cliff.

IMPORTATION OF LIVE STOCK FROM THE CAPE OF GOOD HOPE.†

Private Stock embarked on the Reliance, Cape of Good Hope.

26 June.

Capt. Waterhouse.—2 cows, 2 mares, 1 colt, 26 sheep, 8 wethers; 3 of the sheep for Gov'r King. Died on the passage, 13 sheep of different kinds. Live stock per Reliance.

Lieut. Shortland.—1 cow, 18 sheep. Died on ye passage, 5 ewes; 5 killed on the passage.

Mr. Bass.—1 cow, 19 sheep.

Mr. Palmer.—1 cow and 4 sheep, a goat and a kid. Died on the passage, 1 goat.

Mr. Gouldie.—6 calves, 1 goat, 1 kid; the calves for the mess.

Mr. Scott.—1 cow, 6 sheep. Died on the passage, 1 sheep.

Mr. Brookless.—1 cow. Died on the passage.

Government Stock embarked on the Reliance.

33 cows, 3 bulls, 20 sheep. Died on the pass., 10 cows, 12 sheep.‡

GOVERNMENT AND GENERAL ORDER.

28th June, 1797.

28 June.

Parole—Fareham.

Countersign—Gosport.

As it is highly probable that those who have been preparing ground for wheat this season have by this time finish'd the cropping their land, the Governor has judg'd it necessary to renew his Order of the 11th of January last§ relative to the public roads, and to appoint Wednesday, the 12th day of July, for the commencement of the necessary work. Repairs of roads.

JNO. HUNTER.

*The survivors from the wreck of the Sydney Cove. Appendix A.

†The statement is in the handwriting of Captain Waterhouse.

‡Collins (vol. ii, p. 40) states that the stock on board the *Reliance* on Government account was—26 cows, 3 bulls, and about 60 sheep. He makes no reference to stock embarked on private account.—Post, pp. 277, 287.

§ Ante, p. 188.

1797

GOVERNMENT AND GENERAL ORDER.

1 July.

1st July, 1797.

Parole—Putney.

Countersign—Kingston.

Convicts' clothing.

ON Saturday, the 8th instant, the following slops will be issued to the male convicts, viz. :—1 jacket, 1 waistcoat, 1 pr. breeches or trousers, 1 shirt, 1 blanket, 2 prs. stockings, 1 cap, 1 hat, 1 pr. shoes, 1 lb. soap, and $\frac{1}{4}$ lb. thread.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

3 July.

3rd July, 1797.

Parole—Impartiality.

Countersign—Equity.

Lieutenant Mackellar.

LIEUT. N. MACKELLAR will continue to command the detachment of the military doing duty at the Hawkesbury until farther order.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

6 July.

My Lord, Sydney, New South Wales, 6th July, 1797.

Treatment of convicts on Britannia.

In my letter, No. 27,* herewith forwarded, I have mention'd that reports having been circulated that the convicts who were brought from Ireland in the ship Britannia had been treated with so much severity that the death of some of them had been occasion'd by the punishments they had receiv'd, I directed a Bench of Magistrates might assemble for the purpose of an enquiry into the truth or falsehood of these reports, in order that I might judge how far there might be ground for a more serious investigation. The enclos'd paper, No. 1, is the examination in full, and the opinion of the magistrates who made the enquiry.

H.M.S. Reliance.

I have the pleasure to inform your Grace that his Majesty's ship Reliance arriv'd from the Cape on the 26th ultimo, and has landed the cattle she brought in good health. The enclos'd paper, No. 2,† will inform your Grace what we have receiv'd by the two ships. Each officer has, on his own account, given up during the passage the comforts of his accommodation on board, and filled them with such animals as their respective cabbins were capable of taking in. This, altho' a private consideration, is nevertheless a public benefit to the colony, and is much to be commended.

The expenses of the colony.

Cautious as I am, my Lord, relative to the drawing of bills on account of the colony, your Grace will, nevertheless, find that I am frequently and unavoidably compell'd to this most unpleasant part of my duty. I must take the liberty of assuring you, my Lord, that a part of these sums have been occasion'd by the want of those articles without which we should nearly stand still, and which have been generally sent us from time to time from England, but which the present war may have occasioned our not receiving as regularly as formerly. I will not fatigue your Grace

* Ante, pp. 231 *et seq.*; the passage referred to occurs on p. 235. † Post, p. 277.

with a recapitulation of our wants ; our demands have been some time in England, and I trust they will be attended to as soon as possible. It may not be improper to remind your Grace that the concern of Government relative to agriculture, as mention'd in former letters, occasions much of our expence to be for grain. 1797
6 July.
This, I need scarcely say, after what I have written on these subjects, it has not been in my power to prevent, but I will venture to assure your Grace that it shall be prevented hereafter in as short a time as the strength I have can accomplish it. Cost of grain.

I have determined never to receive more grain at one time on the public account than it may be probable will keep in good condition, and thereby prevent the losses formerly sustain'd by Government in this article.

I find that settlers and others who have been at the trouble and expence of rearing hogs have begun to despair of any market, and are giving up their attention to this usefull stock. Its price has hitherto been in this colony one shilling per pound. I propose in a short time, by way of encouraging attention to this stock, to advertise for a certain quantity, if I can have it at ninepence. I hope your Grace may approve of this measure, as I presume it is less expensive than our salt meat can be sent us. In due time I hope we shall be able to reduce the price of all kinds of stock ; but your Grace will consider that it requires time to make those alterations which are so very much wanted here, and which, as far as relates to a reduction of the price of stock, we can do with the more ease when our stores are not empty, and our dependence plac'd wholly on the stock rais'd by individuals. Cost of pork.

Cost of stock.

As soon as the Reliance can be repair'd and put in a condition for sea, I must send her to Norfolk Island with such quantity of wheat for the use of the inhabitants of that settlement as she can conveniently take on board. They live at present on bread made from the flour of maize, and appear to despair of being able to raise wheat. Wheat for Norfolk Island.

I enclose for your Grace's information a continuation of the Public Orders, No. 3,* I have seen it necessary from time to time to issue ; and I must beg for a moment to draw your Grace's attention to that of the 21st June last.† This, my Lord, will show in a clear point of view what I have to struggle with in the execution of my public duty, and in my endeavours to restore that order so long lost and so much wanted. Public Orders.

The last ships which arrived (as is too commonly the practice) have brought spirits enough to deluge again this colony, and to throw it into such state of fermentation and disobedience as would undo all I have been attempting to bring about for the public spirits.

* The Public Orders will be found in their proper places in order of date.

† Ante, p. 231.

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good. My positive refusal to suffer this poisonous article to be landed has given much offence, altho' every officer has been permitted to receive what he wanted for his private accommodation.

A
destructive
trade.

The reward offer'd, my Lord, in the Public Notice above mention'd was such as wou'd, I conceive, have been irresistible to a convict; but not having produc'd any information, I have much reason to suspect it is with some of their superiors, engag'd in a destructive trade, and whom I shall not cease to search after. No character, my Lord, however sacred, however immaculate, is safe here in the present state of this colony if he attempts to oppose that disgracefull traffic which has done so much mischief. The anonimous paper* alluded to is written in too scurrilous and too mean a language to lay before your Grace, and is no doubt so written to prevent detection.

It would be well, my Lord, to have some clause in the charter-party of ships sent here that shou'd serve to deter them from attempting to land anything forbidden by the Port Orders without a regular permit.

Death of
Ensign
Brook.

I am concern'd to have to report to your Grace the death of Ensign Brook, of the New South Wales Corps. He arrived here in very ill-health on board the Ganges, and died the 6th instant. He has left a wife and family much distressed.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

THE CASE OF THE CONVICT VESSEL THE BRITANNIA.

Proceedings of a Bench of Magistrates convened by order of his Excellency Governor Hunter, &c., &c., &c.

Present :—The Acting Judge-Advocate†; Reverend Richard Johnson; Wm. Balmain, Esq.

Charges
against
Captain
Dennott.

CHARGES imputed to Captain Dennott:—1st. For having by severity of punishment, executed by your order, occasioned ye death of six convicts on board the Britannia, transport, under your command. 2nd. For your general conduct not having been suitable to ye intention of Government in sending them here in health and safety.

Evidence
of Dr. Beyer.

Nos. 1‡ and 2§ having been read in Court to Captain Dennott, they proceeded to swear Mr. Augustus Beyer, the superintendant-surgeon on board ye Britannia, who, being duly sworn, deposes:—That he had ye charge of ye troops and convicts as surgeon on board ye Britannia; that he was not consulted by Captn. Dennott when punishment was inflicted on any of ye convicts except J. Burke, now in ye hospital, and Lawrence Dromed; that a convict of ye name of P—— G—— received four hundred lashes; that

* Ante, p. 231. The anonymous paper has not been preserved.

† Richard Atkins.

‡ Post, p. 271.

§ Post, p. 271.

the next morning the man was found dead ; that Captain Dennott in this instance never consulted him whether he had received as many lashes as he was able to bear ; that ye man was in a good habit of body ; that to ye best of his judgment he died in consequence of ye punishment he received, and that some others likewise died from the same cause. 1797
6 July.

No. 3* having been read to Captn. Dennott, he acknowledges to Exhibits. have written it to Mr. Ricketts, his chief mate.

No. 4† having been read to Captn. Dennott, he acknowledges to have received it from Mr. Beyer. Mr. A. Beyer further says that water-sweetners and ventilators that were put on board by Government were not made use of ; that their undermost berths were continually wet, and that no steps were taken to dry them.

The log-book being produced, and that part of it respecting ye punishment of the convicts being read to the Court, he (Captain log-book. Dennott) swears that to ye best of his knowledge and belief ye whole of it is true.

Court to Mr. Beyer.—On the punishment of those convicts, did Dr. Beyer. you ever interfere and tell Captain Dennott that they could not receive any more ?

A.—No ; because in consequence of ye frequent representations he had made to Captn. Dennott he thought himself under restraint.

Lieutenant Wm. Burne, New South Wales Corps, being duly Lieutenant Burne. sworn, says that to ye best of his knowledge Mr. Beyer was never (except in two instances) consulted respecting the punishment of the convicts, neither was he himself ever consulted, nor were any of ye officers of the ship ever consulted. He further says that he heard Captain Dennott say to some of ye men under punishment, "I will not hang you, it is too gentle a death, but I will cut you to pieces."

Q. by Court.—As you had frequent opportunities of seeing the state of ye convicts, do you think that Captn. Dennott took such steps as might answer ye intentions of Government in bringing them to New South Wales in health and safety ?

A.—The first part of the voyage he thinks he did, but latterly it was perfectly neglected.

Q. by Court.—Do you think that obstacles have been thrown in ye way of Mr. Beyer in the execution of his duty ? Hampering the surgeon.

A.—Innumerable obstacles. Mr. Burne further says that ye provisions intended for ye convicts in ye island at Rio Janeiro were often not sent before 2 or 3 o'clock, but in general at 1 o'clock ; that Mr. Beyer was never order'd on duty to attend ye punishment, and that therefore he does consider him as a medical man responsible.

Q. by Court.—Do you think that in ye punishing the convicts he (Captn. Dennott) was guided by motives of humanity ? The charge of cruelty.

* Post, p. 272.

† Post, p. 272.

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A.—He thinks that a great deal of inhumanity was used towards them.

Q. by Captn. Dennott to Mr. Burne.—Whether did you hear me ask ye doctor if the two K——s were able to receive three hundred lashes?

A.—I am not sensible of it.

Q. by Court.—Did you, while ye punishment was going forward, conceive yourself as aiding and assisting Captn. Dennott on that duty, or merely as an officer at the head of your troops?

A.—Merely as an officer unconnected and unconsulted with ye punishment.

Q. by Mr. Burne to Captn. Dennott.—Did you ye second day after punishment hear the convicts complaining in that they had no water, and that in consequence of P—— G—— drinking his own urine he died soon afterwards?

A.—He did hear such an assertion, but that it was redressed.

Death of
a convict.

Q. by Captn. Dennott to Mr. Burne.—Do you recollect ye body of P—— G—— being brought to the gangway, whether you heard ye doctor give any opinion as to the cause of his death?

A.—He understood that ye doctor gave an opinion, but what it was cannot say.

A question being put to Captn. Dennott whether he ever consulted any person as to punishing the convicts, he answers he never did, and that he thinks himself responsible.

Evidence of
the third
mate.

Mr. Isaac Froome, 3rd mate of the *Britannia*, being duly sworn :—

Q. by Dr. Beyer.—Did Captn. Dennott ever order me on duty to attend ye punishment of any convicts punished on board ye *Britannia*?

A.—To ye best of his knowledge, he never did.

Q.—On the detection of the conspiracy to take ye ship, was I ever consulted as to the extent of ye punishment?

A.—Never in my presence.

Q.—Did Captn. Dennott say to K—— and T——, convicts, “Has this man taken the oath?” On their answering in the affirmative, did he not order them to be tied up and receive a certain number of lashes?

A.—He did.

The charge
of cruelty.

Q.—On ye second day of their being punished, did Captn. Dennott ask or consult me whether they were capable of receiving any additional punishment?

A.—In one instance he heard the captn. ask him whether he was able to bear any more lashes, and that his name was J—. H——.

Q.—Did I ever meet with intentional obstructions in ye execution of my duty?

A.—In some few instances he did. On your asking for vinegar it was refused, but believes that ye vinegar was not at hand.

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Q.—Was the ship leaky in her upper works, and did not a great deal of water go where the convicts were?

6 July.

Condition
of the ship.

A.—She was leaky, and a great deal of water went on ye deck where ye convicts were.

Q.—Whether when the deck was in that state were endeavours made to keep it dry?

A.—At first it was done, but latterly it was not, there not being any swabs.

Q.—In consequence of ye water coming in, were not many beds destroyed, as well as cloathing, and several of ye people obliged to sit up all night?

A.—There were several, and he endeavoured to redress it by removing many to the upper berths.

Q.—Were not ye convicts extremely filthy and dirty?

A.—Latterly they were, for want of brooms and swabs.

Q.—Did I not express a wish that ye old people should come on deck at all times, and was that wish complied with?

Health of
the convicts.

A.—It was not all times, and Captn. Dennott had given orders for them not to come up without his leave.

Statement by Lieutenant Burne.—Mr. Burne says that a complaint was made to him by Dr. Beyer for that his corporal would not suffer ye old men to come up. The corporal said that such refusal was agreeable to Captn. Dennott's orders to him; that on Dr. Beyer giving directions for half of ye grating to be taken off, in order to give air to ye convicts, the chief mate said it should not be done, as it was contrary to Captain Dennott's order.

Q.—Was the punishment inflicted on the convicts severe?

Severity of
the punish-
ment.

A.—Very severe.

Q.—Did you consider Captn. Dennott's orders in inflicting punishment on the convicts as cruel?

A.—In some instances he thinks it was, in others not.

Q.—Do you consider ye general conduct of Captn. Dennott towards ye convicts such as to answer ye intention of Government in bringing them here in health and safety?

A.—The first part it was, but ye second part not.

Q.—In what instances not so?

A.—By ye want of free air and their being loaded with irons.

Q.—Do you think ye rigid measures adopted necessary for the security of ye ship?

A.—It was not absolutely necessary.

Q.—Did not Captn. Dennott order J—. B——, a convict, on the first day, to receive 300 lashes?

The captain
and the
convicts.

A.—He did.

Q.—Did not Captn. Dennott tell B——, after he had received ye 300 lashes, that ye next day he should receive 300 more?

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The lash.

A.—He told him that if he did not confess he would again flog him to-morrow.

Q.—Was B—— brought up ye next day, and did he not receive 500 lashes?

A.—He did.

Q.—Did you hear Captain Dennott say to B——, while under punishment ye second day, “I will not hang you, it is too gentle a death, but I’ll cut you to pieces?”

A.—He did hear him say so.

Q.—On each of ye punishments inflicted on ye convicts, was ye doctor consulted?

A.—Not in all, but Captn. Dennott took responsibility on himself.

Adjourned to Wednesday, 14th June.

Met pursuant to adjournment.

Evidence of
the mate.

Mr. Jas. Thos. Ricketts, chief mate of ye Britannia, being duly sworn :—

Q. by Captn. Dennott.—Be so good as to relate to ye Court the circumstances attending ye punishment of the convicts, and whether the surgeon was not always present and consulted when ye punishment was inflicted?

A.—He was sick and confined to his cabbin at the commencement of ye punishment, and that he can’t say whether the doctor was consulted or not; but afterwards—the second or third day—he was on deck, and stood by Mr. Burne and Doctor Beyer, and saw Doctor Beyer keep an account of ye number of lashes given to ye convicts, and he heard Captn. Dennott ask Dr. Beyer of two men who appeared sickly, what number of lashes they were able to receive, and in consequence of what Doctor Beyer said to Captn. Dennott the man was taken down.

Punishment
of convicts.

Q.—Do you recollect, when B—— was punished ye second time, whether Captain Dennott asked Dr. Beyer what number of lashes he was able to receive, and what was Doctor Beyer’s answer?

A.—To ye first part he can’t answer, but recollects Dr. Beyer observing that his hide was tough, or some such remark.

Q.—Do you recollect when ye body of P—— G—— was brought on ye deck what opinion Dr. Beyer gave as to ye cause of his death?

A.—To ye best of his recollection Dr. Beyer said that his death was not occasioned by the punishment he had received.

Consulting
the doctor.

Q.—Do you recollect the tenor of my conduct on ye days the men were punish’d, and whether I did not ask ye doctor’s opinion respecting the punishment they received, or whether any punishment was inflicted after that opinion was given?

A.—To ye whole of ye question, can only answer as to Mr. Beyer being consulted respecting ye two men before mentioned being indisposed and frequently going to his cabbin.

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Q.—Did Mr. Burne take an active part in ye punishment as well as himself and others then on the deck?

Lieutenant
Burne.

A.—He did.

Q.—Do you consider Mr. Burne simply as an officer at ye head of ye troops?

A.—He does not, but active in encouraging his people.

Q.—Did Mr. Burne express any pleasure and satisfaction in seeing the men punished?

A.—It appears to him that he did.

[The letter No. 3* read to Mr. Ricketts.]

Exhibit
No. 3.

Q.—Do you recollect having received such a letter?

A.—I do perfectly well.

Q.—Do you consider this letter as a private [one]?

A.—He does so consider it.

Q.—Did you ever give that letter to any person, or lend it to any person?

A.—He never did.

Q.—In what manner do you suppose that that letter now appears in Court as evidence against me?

A.—He supposes it was taken off ye file, which was sometimes in ye captain's cabbin, and sometimes in his own.

Q.—Can you tell by whom, and when, it was taken off the file?

A.—He cannot tell.

Q.—Have you the original letter now in your possession?

A.—He has not.

Q.—Did you ever conceive from my general conduct to ye officers or people on board that they were under restraint, and not permitted to offer an opinion?

The
captain's
conduct

A.—He never did.

Q.—Do you think that Doctor Beyer at ye time ye men were punished lay under such restraint as to deter him from giving his opinion from any overbearing behaviour of mine?

A.—He does not think he was.

Q.—Do you not think that Dr. Beyer was always allowed to give his opinion?

towards the
doctor.

A.—He thinks he was.

Q.—Do you think that in any part of ye voyage my conduct to ye prisoners was brutal, or that I did not pay proper attention to men in that situation?

A.—He thinks it was not brutal, but that he did pay proper attention.

Q.—Whether, when at Rio Janeiro, was ye provisions ever fully detained being sent on shore to ye prejudice of the prisoners?

Provisions
at Rio.

A.—It was not.

- 1797
6 July. Q.—Did you ever hear of any man having been punished on ~~an~~ y
island by Mr. Burne?
A.—He does.
Q.—Do you recollect how many men?
A.—He does not.
Q.—Do you know for what reason they were punished?
A.—He does not.
Q.—Was Mr. Burne always present?
A.—He cannot tell.
- Counter-
charges
against the
doctor. Q.—Do you think that Dr. Beyer, as a professional man, con-
ducted himself with humanity towards ye prisoners?
A.—Not at all times.
Q.—Relate in what cases, and your reason for thinking so?
A.—Many of ye convicts that were ill and required his assis-
tance were afraid to speak to him. He generally observed him to
go down among ye prisoners with a stick in his hand, and some of
the women he has beat.
- His
treatment of
convicts. Q.—Do you recollect any woman in particular, and what was
her name?
A.—He does; her name was Rose R——.
Q.—Do you know the reason of his beating her?
A.—He does not.
- Neglect of
duty. Q.—Did you ever hear ye Dr. refuse his attendance to the sick
when called on so to do?
A.—He has observed him at times very dilatory.
Q.—Do you think he neglected his duty?
A.—At times he thinks he did.
- Convicts'
berths. Q.—Do you think that the wine and other articles given into
his charge for ye use of ye sick were given to them or perverted
to other uses?
A.—He can't answer that question, as he had a quantity of
those articles in his own cabin.
- Counting
the lashes. Q.—Whether in the latter part of ye voyage, ye convicts' berths
being wet, was occasioned more from bad weather than any neglect
of duty?
A.—It was occasioned by bad weather, and not from want of
attention.
- Q. by Dr. Beyer.—Did you ever see any other person except
myself put the number of lashes on ye slate?
A.—He did.
Q.—What was ye view of myself and others for putting ~~ye~~
number of lashes on ye slate?
A.—Simply to count the number.
Q.—Do you conceive that ye reason of my marking them on the
slate was with a view simply to tell ye number, or do you suppose
it was done with a view of attending ye punishment as a
medical man?

A.—He does conceive it as a medical man.

Q.—With what view do you suppose ye other persons who marked the number of lashes on the slate had?

A.—That they might not receive any more lashes than ye doctor ordered.

Q.—Did you ever hear me order the men to receive any?

A.—He did not.

Q.—Who was the person that order'd them?

A.—Captain Dennott, with your approbation.

Q.—Do you recollect Captn. Dennott ever asking my approbation?

The doctor
not
consulted.

A.—Except in the two instances already mentioned, he does not.

Q.—Do you recollect Captn. Dennott asking them (K—— and T——) has this man taken ye oath, and on their answering in ye affirmative, did he not order them to be seized up without any other questions, and to receive a certain number of lashes—sometimes 3, sometimes 400 lashes, as stated in the log-book?

A.—He does not.

Q. by Mr. Burns :—The letter No. 3, do you consider it as of a private nature, and did you always keep it as such?

The
captain's
letter.

A.—He considers it as of a private nature, and always kept it as such.

Q.—Do you recollect that when you received that letter from Captn. Dennott you read it to myself and to other persons, observing that from Captn. Dennott's letter he, and not ye surgeon, was to be ye judge of the punishment of the convicts?

A.—He does not recollect reading it or making such an observation.

Q.—Do you recollect on ye letter being read my requesting you not to mention it to ye doctor, as it was a great insult to him?

A.—I do not.

Q. by Captn. Dennott to Dr. Beyer.—In what light was you to be considered when on ye quarter-deck counting the lashes, and whether you did not consider yourself on duty when present?

A.—He does not consider himself on duty, not being order'd or consulted on that occasion.

Q.—Did any person supersede you in your office as surgeon on ye days of punishments?

The doctor
superseded.

A.—Captain Dennott superseded me, as he did on all occasions.

Q. by Dr. Beyer to Mr. Ricketts :—Do you recollect my giving an opinion as to ye cause of ye death of P—— G——, and what that opinion was?

A.—That he did not die in consequence of ye punishment.

Q.—Do you believe No. 3 to be an exact copy of the letter you received from Captn. Dennott at Cove?

A.—He does.

1797 The original letter of No. 3 produced, when it appears that there
6 July. is a line or dash under ye word "you."

*Q. by Captn. Dennott to Dr. Beyer:—*Did you conceive yourself as acting as surgeon on board ye Britannia from London to Port Jackson?

*A.—*He did.

Evidence
of the second
mate.

Wm. Wharton, 2nd mate of ye Britannia, being duly sworn:—

*Q. by Captn. Dennott—*Was you on ye quarter-deck ye days ye prisoners were punished?

*A.—*I was.

*Q.—*Did you not hear me ask Dr. Beyer whether ye men were capable of receiving their punishment before it was inflicted?

*A.—*To almost every man I did, but being sometimes absent from ye quarter-deck can't speak as to ye whole. In one instance, in particular, he recollects Dr. Beyer pointing out that a man of the name of Grey could not take more than a hundred.

Punishing
convicts.

*Q.—*Do you recollect upon Brannon's being brought up a second time to receive punishment my asking Dr. Beyer whether he was capable of bearing more punishment, and what was his answer?

*A.—*He does; and his answer was that he could receive more.

*Q.—*Do you recollect any remark he made on ye man when tied up, and what it was?

*A.—*He does; that his hide was as tough as a bull's.

The doctor
a consenting
party.

*Q.—*Doctor Beyer did not express any fear of his from his punishment?

*A.—*Neither by looks or expression.

*Q.—*Do you recollect my asking ye Dr. whether S—— could receive any more punishment?

*A.—*He does not.

*Q.—*Do you recollect my asking ye doctor if B—— was capable of receiving more punishment?

*A.—*He does recollect, and he was punished with ye doctor's consent.

*Q.—*What did the doctor say on this occasion?

*A.—*He said B—— was a dam'd rascal and scoundrel.

*Q.—*Do you recollect, when the two K—— were punished, the doctor observing that they could not receive 300, but might receive 200 lashes?

*A.—*He does not recollect it.

*Q.—*Was the doctor present at the punishment?

*A.—*At most of them he was.

Lieutenant
Burne.

*Q.—*Was Mr. Burne on the quarter-deck when ye punishments were inflicted?

*A.—*He was.

*Q.—*Did not Mr. Burne assist in ye punishment, as well as himself and others?

A.—He order'd two of his men to assist, and took pleasure in seeing how well his people made use of the cat. 1797

Q.—Did Mr. Burne assist in any other manner? 6 July.

A.—Yes; he assisted me in tying on a piece of a hyde to a stick, which was used as a cat. The cat.

Q.—Do you, on ye whole, consider Mr. Burne as aiding and assisting?

A.—He considers he was equally so with others.

Q.—Was you on ye quarter-deck when ye body of P—— G—— was brought there?

A.—He was.

Q.—Do you recollect my sending for ye doctor to give his opinion as to the cause of his death, and what was his opinion? The death of a convict.

A.—He does. The doctor gave his opinion that he was a strong muscular man, and that he did not conceive he died in consequence of the punishment he received.

Q.—Do you recollect my applying to the doctor to see ye men's backs dressed after punishment? Dressing the convicts' backs.

A.—He does recollect.

Q.—Do you recollect ye doctor's saying that he was afraid to go among ye prisoners below, for he might get his throat cut?

A.—He does, and in consequence ye men were brought on the deck to be examined.

Q.—Do you think that ye doctor paid proper attention to ye men after they were punished, and in general?

A.—He does not think he did.

Q.—For what reasons?

A.—Because he had heard the women apply to him for medicine and he has dam'd them; and he has known ye doctor not to go below for two or three days, and some men have applied to him for plaisters, as they could not get any from the doctor.

Q.—Do you think the doctor's conduct towards ye convicts, as a professional man, humane?

A.—He does not.

Q.—Do you believe ye necessaries for ye use of the sick put under his charge [were] applied to that purpose? Misappropriation of stores.

A.—Not all.

Q.—Can you mention any particular article misapplied?

A.—Sugar and wine was misapplied.

Q.—Do you believe Dr. Beyer was ever prevented from giving his opinion or making any application in consequence of any overbearing conduct on my part?

A.—Not that he ever saw or heard.

Q.—Was there any wilful neglect in sending ye provisions to ye island?

A.—There was not.

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At Rio
Janeiro.

Q.—Was not everything that was necessary for the use of the people on ye island sent on application being made for them?

A.—There was.

Q.—Did you hear of any persons being punished on shore?

A.—He has.

Q.—By whose order?

A.—He supposed by the order of Mr. Burne.

Q.—Do you recollect how many were punished there, and for what?

A.—He does not know.

Convicts'
berths.

Q.—Were the prisoners' berths wet thro' any neglect or from ye badness of the weather?

A.—Thro' ye badness of the weather and the leaking of the ship.

Q.—Was the ship caulked at Rio from the stern to ye forepart of the main chains on both sides and part of the decks?

A.—It was.

Q.—Was ye ship on leaving Rio in good condition?

A.—It was.

The
captain's
conduct.

Q.—Was my conduct to yourself and others in ye ship brutal or deficient in humanity?

A.—It was not.

Q.—Do you not conceive I did everything in my power to make ye situation of the convicts comfortable in proportion to their good behaviour?

A.—You did.

The
allowance of
water.

Q.—What quantity of water was served to the convicts from Rio to this port?

A.—Five pints, except on ye first day of punishment, and on that day half that quantity owing to ye confusion of ye ship, and on another day on ye doctor's representation he order'd water to be served to them.

Q. *from Mr. Burne.*—Who order'd you to search ye doctor's parcel when he was carrying some medicines from ye Brittanica to another ship?

A.—Captain Dennott.

Cross-
examined by
Dr. Beyer.

Q. *by Dr. Beyer.*—Do you conceive that the captain of a merchantman has a right to punish and to hang people, and to act as he thinks proper?

A.—He does not conceive he has, without he had orders for so doing.

Q.—Does Mr. Wharton recollect his having asserted a few days ago ye very thing he now denies?

A.—He does not.

Q.—Previous to ye severe punishment, do you conceive Captain Dennott asked ye advice of any gentleman how to act on ye occasion—did he hold a consultation?

A.—He did not hold a general consultation.

Q.—Do you conceive ye captain acted on that occasion as he thought proper? 1797

A.—With ye consent of Dr. Beyer, who hindered him from flogging several men as much as he intended to do, he conceives on that occasion ye captain did not act as he thought proper. 6 July. The captain and the doctor.

Q.—Do you conceive that Captn. Dennott took ye whole responsibility on himself?

A.—He conceives he did.

Adjourned to Friday, ye 16th inst.

An adjournment.

Sydney, ye 16th.—The Court met pursuant to adjournment.

John Jonston, boatswain of ye Britannia, being duly sworn, deposes :— Evidence of the boatswain.

Q.—Was you on ye quarter-deck when ye men were punished?

A.—He was.

Q. by Captn. Dennott.—You assisted in inflicting ye punishment?

A.—I did.

Q.—Did I not ask ye doctor the number of lashes to be given, and ye quantity the people were able to bear?

A.—You always did.

Q.—Do you think ye doctor assisted at ye punishment?

A.—He was there during the whole time. The doctor a party to the punishment.

Q.—Did you ever hear ye doctor encourage ye men that were inflicting the punishment?

A.—I did, by hearing him say flog him hard and hit him fair.

Q.—Did he not sometimes call them villains and cut-throat rascals?

A.—He cannot recollect.

Q.—Do you not think ye Dr. was as anxious to have them punished as I was?

A.—I think he was.

Q.—Did I ever cause a lash to be given contrary to the opinion of ye doctor? Consulted by the captain.

A.—You never did.

Q.—Did I at that or any other time attempt to supercede him as a surgeon, or act in that capacity myself?

A.—You never did.

Q.—Did any of ye prisoners faint under the lash?

A.—Not one.

Q.—Was water given them after they were taken down, and that frequently on that day? Treatment of convicts.

A.—Always.

Q.—Was you on ye deck when the body of P—— G—— was brought up?

A.—I was.

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6 July.

Q.—Did you not hear me send for the doctor ?

A.—I did.

Q.—Did not ye doctor say he could not have died from ye punishment, as he was a strong muscular man ?

A.—He did.

The captain's treatment of officers.

Q.—Did you ever see anything in my conduct towards yourself and ye officers, and particularly to ye Dr., that could lay them or him under restraint so as to prevent giving an opinion ?

A.—I never did.

Q.—Was ye tenor of my conduct to yourself, officers, or convicts tyrannical or brutal during ye voyage ?

A.—It was not.

The attitude of Lieutenant Burne.

Q.—Did not Mr. Burne appear to you to take an active part in inflicting the punishment, as well as myself and others ?

A.—He did ; he order'd his own men to inflict ye punishment, and encouraged them in it.

Q.—Did not Mr. Burne express great pleasure in punishing the culprits ?

A.—He did.

Q.—When B—— was punished ye second time, did not the doctor say that " his hyde was as tough as a buffaloe's, and could not be taken off," or words to that effect ?

A.—He did say so.

The doctor charged with severity.

Q.—When J—— B—— was punished ye second time, did not ye doctor, when I acquainted him that ye prisoner was not able to bear the punishment on that day, say that B—— was able, and order'd him more lashes ?

A.—He did. The man was crying out several times for ye doctor for God's sake to let him down, for he was not able to bear any more. The doctor replied, " You be dam'd, you —— ; you are yet able to bear more."

Q.—Do you think ye conduct of ye doctor to be humane, and that he paid that attention he ought to have done ?

A.—He cannot say.

Condition of the ship.

Q.—When at Rio, was not ye ship caulked and put into good condition ?

A.—It was.

Q.—Was not the ship well washed, cleaned, and aired, and everything made comfortable before ye convicts came on board from the island ?

A.—It was.

Q.—Do you think there was any wilful neglect in sending ye provision on shore to ye island ?

A.—There was not.

Q.—Do you not think ye wetness of ye ship was occasioned by ye weather, and not by any neglect ye latter part of the voyage ?

A.—It was by ye badness of the weather.

Q.—Do you, as a seaman, and knowing ye risk of keeping the hatches open in the gales of wind we met with, think ye tarpaulins were unnecessarily kept on, or do you think they were ever kept on to deprive ye prisoners of air? 1797
6 July.

A.—They were kept on for ye preservation of ye ship.

Q.—Do you not think ye prisoners were as humanely treated by myself and officers as circumstances would admit?

A.—I think they were.

Q.—Did you ever hear or know me to deny them anything in my power it was proper for me to grant, or in my power to give?

A.—I never did.

Q. by Mr Burne.—Did you not say to Captn. Dennott on ye quarter-deck that you was never so —— used in any ship as this, and that you would not proceed with him further than Botany Bay?

A.—I did say so.

Q.—Did you ever say to the steward that Captn. Dennott and himself were dam'd rascals, and that he would report their doings on their arrival at Botany Bay?

A.—I never did.

Q. by Mr. Beyer.—Did you ever say to the steward that he was a damned rascal and thief, and that he cheated the convicts?

A.—He never did.

John Gilbert, ship's steward, being duly sworn:—

Q. by Captn. Dennott.—When I first shipped you at Deptford what were my particular instructions to you respecting your conduct as steward of ye ship? The ship's
steward.

A.—To behave with justice to all mankind, and not to let ye ship be a loser or the captn. a gainer.

Q.—Was you on ye deck part of ye time the punishment was inflicted?

A.—I was, the chief part.

Q.—Did I not ask ye doctor the number of lashes they were to receive, and what quantity they were able to bear? Punishing
the convicts.

A.—You did.

Q.—Did you ever see ye doctor encourage the people that were inflicting the punishment?

A.—He did, and desired him to give them grog.

Q.—Do you not think the doctor assisted at the punishment, as well as others on the quarter-deck?

A.—He did, and exerted himself as well as any of the officers.

Q.—Did I at that or any other time endeavour to supercede him as a surgeon?

A.—You did not at any time.

Q.—Did I ever cause a lash to be given contrary to ye opinion of ye doctor?

A.—Not to his knowledge.

- 1797 Q.—Did any of the prisoners, within your recollection, faint
6 July. under ye lash ?
 A.—I never saw them.
 Q.—Was not water given them, and that frequently, after they
 were taken down ?
 A.—There was. I gave them some myself.
Death of a Q.—Was you on deck when ye body of P—— G—— was
convict. brought up ?
 A.—I was.
 Q.—On ye doctor's opinion being asked, did he not say his death
 was not occasioned by his punishment ?
 A.—He said he believed he died from thirst.
 Q.—In ye morning of that day, did I not ask you the reason of
 the prisoners being thirsty ?
 A.—You did, and I told you ye reason proceeded from ye con-
 fusion in ye ship, as they had had but half allowance.
 Q.—Did I not order you to give them water immediately, and
 did you not comply with that order ?
 A.—You did, and I gave them nearly double allowance.
The Q.—What quantity of water was served daily to ye convicts
allowance from Rio ?
of water. A.—From two quarts to five pints.
 Q.—Did you ever see anything in my conduct, either towards
 yourself or others, and particularly to ye Dr., that might prevent
 giving an opinion ?
 A.—I never did.
 Q.—Was ye tenor of my conduct to yourself or convicts either
 tyranical or brutal during the voyage ?
 A.—I never saw you act tyranical to any man.
Attitude of Q.—Did not Mr. Burne appear to you to take an active part in
Lieutenant ye punishment ?
Burne. A.—He certainly did ; he asked one if Strachan, one of his
 men, did not flog well ; he answered that he would not chose to
 come under his cat.
 Q.—Did not Mr. Burne order his own men to punish, and did
 not he encourage them in it ?
 A.—He believes he did give ye order, but he is sure he
 encouraged them.
 Q.—Was you present at ye punishment of B—— and B——
 ye second time ?
 A.—I was.
Excessive Q.—Did not ye doctor say that B——'s hide was as tough
punishment. as a buffaloe's, and could not be taken off, or words to that
 effect ?
 A.—I heard him say some words to that effect.
 Q.—When J—— B—— was punished ye second day, did not ye
 Dr., when I acquainted him ye pris'r complained he was not able

to bear ye punishment on that day, say that he was able, and ordered him more lashes? 1797

A.—I heard him say he was a strong, able man, and when ye pris'r cried to him for his assistance he made him some abrupt answer. 6 July.

Q.—Do you think ye conduct of ye doctor to be humane, and that he paid that attention to all descriptions of persons he ought to have done? Evidence against Dr. Beyer.

A.—I think he did not pay that attention he ought to have done.

Q.—Were ye articles served out by you to the Dr. for ye use of the sick appropriated to that purpose or otherwise disposed of?

A.—They were not totally given to ye sick. Water he has known his women to wash with; wine, 2 casks, he converted to his own use; the 1 qr.-cask he gave him (15 gall's of brandy) from ye soldiers' store, for which he received a qr.-cask of wine, which was issued to ye troops in lieu of brandy; the 2 qr.-casks were taken out of ye hold in small casks, and was carried into Mr. Burne's cabbin and bottled off; 1 cask of sugar I gave to Mr. Burne for the use of ye sick, which cask he believes was never opened. A quantity of bottles of whiskey (five, he believes) for ye use of ye sick, which he thinks was not given them. I asked Mr. Beyer how those articles were to be expended, who answered as he thought proper; that he had friends at this place; that if any deficiency should arise in his books he would see it made up. Medical comforts.

Q.—Were not the prisoners in general afraid to speak to ye doctor when they stood in need of his assistance?

A.—The men he cannot speak to, but ye women was afraid.

Q.—Did you ever know ye doctor refuse to turn out of a night when called on? The doctor refuses to attend a soldier.

A.—He has, particularly one of Mr. Burne's men, who said he should die; he went to ye doctor with a light and told him ye man was very bad; the answer the Dr. gave him was that he was not to be disturbed at all hours in the night.

Q.—When at Rio, was not the ship caulked and put in good condition to perform her voyage?

A.—She was caulked and put in good condition.

Q.—Was not ye ship well washed, cleaned, and aired to make ye prisoners comfortable when they returned on board from ye island? Condition of the ship.

A.—It was well washed.

Q.—In carrying ye provisions to ye island, did you not go to serve them out?

A.—In general he did.

Q.—Did you not get ye provisions for ye island as early as possible?

A.—I did.

- 1797
6 July. Q.—Were ye convicts served anything for breakfast previous to their getting their fresh provisions?
A.—I believe they were, for the casks were expended.
- At Rio Janeiro. Q.—Do you know whether Mr. Burne punished any men on ye island?
A.—He saw him punish one, and others were punished.
Q.—Was the doctor present at the time?
A.—He was not present.
Q.—Do you know for what reason they were punished?
A.—I do not.
- The ration. Q.—When ye prisoners on ye former part of the voyage applied for something for breakfast, did I not order you to serve them out oatmeal, and did you not obey that order?
A.—Captain Dennott order'd ye ration to be altered for ye better, and I complied with his order.
Q.—Did I not alter ye salt provisions for their comfort, that they might have it four days instead of two?
A.—Instead of giving them 8 pound on ye Tuesday, he gave them four, and four on Saturdays. The pork was served 3 lb. on Thursdays and Sundays, and ye other ration was so divided as to make it more comfortable for them.
Q.—Was there not always plenty of fire allowed for ye purpose of cooking ye convicts' victuals?
A.—There was as much as they chose to go for, and staves of beef and pork casks.
- The convicts' food. Q.—In all my orders to you respecting ye convicts' victuals, did I not order you to be careful that they had their allowance?
A.—You did.
Q.—Has any of ye convicts' victuals been appropriated to my use?
A.—No, except a little bread ye latter part of ye voyage.
- Condition of the ship. Q.—Do you not think ye wetness of ye deck proceeded more from the weather than neglect?
A.—He did.
Q.—Do you think ye tarpaulins were unnecessarily kept on, so as to deprive the prisoners of air, or for ye preservation of the ship?
A.—For the preservation of the ship.
Q.—Do you think the prisoners were treated humanely by me as far as circumstances would permit?
A.—I think and am sure they were.
Q.—Did you ever know ye prisoners denied anything that was in my power to give and proper for me to grant?
A.—I never did.
Q.—Did I ever offer you anything for coming forward in this business, or did I ever endeavour to bias your opinion?
A.—You never did.

J—— K——, a convict, being duly sworn :—

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*Q. by Captn. Dennott :—*Was you on shore at ye island ?*

6 July.

*A.—*I was there for three weeks.

A convict's evidence.

*Q.—*Was you there when any men were punished ?

*A.—*I was.

*Q.—*Do you know for what they were punished ?

*A.—*For breaking a canoe.

*Q.—*Who ordered ye punishment ?

*A.—*I cannot tell.

*Q.—*Who was present at ye punishment ?

*A.—*Mr. Burne.

*Q.—*Was ye doctor present ?

*A.—*He was not.

*Q.—*Were not two other men punished ?

*A.—*Only one.

*Q.—*Who was present at ye punishment ?

*A.—*Corporal Franklin, and he thinks it was ye corporal order'd it.

Punishing by military order.

*Q.—*Was ye doctor present ?

*A.—*He was not.

*Q.—*How did you conceive yourself to be treated by me ?

*A.—*Very well treated.

*Q.—*Did you ever hear of my having ill-treated ye prisoners ?

*A.—*I never did.

*Q.—*Was ye doctor in ye main hatchway, where you was, sufficiently attentive ?

The doctor and the convicts.

*A.—*During ye first part of ye voyage ye doctor was often among ye prisoners ; but from Rio to Sydney not more than three or four times.

*Q.—*Were ye people sickly in ye main hatchway from Rio to Sydney ?

*A.—*Four were sickly.

*Q.—*Did ye doctor ever ill-treat any of ye prisoners before for threatening to complain to the captain of him ?

Complaints of convicts.

*A.—*He did ; he struck one, and told him if he had any complaints to make he must make them to ye Governor, and not to ye captain.

*Q.—*Did Captn. Dennott treat the prisoners with cruelty and inhumanity ?

*A.—*He never did.

*Q.—*Was any plot formed to take ye ship ?

A plot to take the ship.

*A.—*There was, and he thinks it was dropped ; but ye captain and officers were ignorant of that circumstance.

*Q.—*Did I ever offer you any reward to come forward, or attempt to bias your opinion in this business ?

*A.—*You never did.

* An island in the harbour of Rio de Janeiro, where the convicts were landed.

- 1797 Mr. Froome, 3rd mate of the *Britannia*, being again duly sworn—
6 July. the original letter of No. 3 being shewn to Mr. Froome :—
- The third
mate
recalled. Q. by Mr. Burne :—Do you remember that letter being received
by Mr. Ricketts ?
A.—I do.
- The
captain's
letter to the
chief mate. Q.—Do you remember it being publicly read in ye cuddy by Mr.
Ricketts ?
A.—I do.
- Q.—Do you remember my requesting Mr. Ricketts to keep it a
secret from Mr. Beyer, as it was a gross insult towards him ?
A.—I do.
- Q.—Do you conceive Mr. Ricketts acted as judge in punishing
any convicts, as desired by Captain Dennott ?
A.—I do.
- Q.—Do you conceive that Captn. Dennott has perfectly adhered
to ye principles which is laid down in that letter respecting the
punishment of convicts ?
A.—I do.
- Q.—Did you ever know that Captn. Dennott objected to any
men ordered out of irons by Dr. Beyer as necessary to ye preser-
vation of their lives ?
A.—He has.
- Seizing a
sentinel's
arms. Q.—Do you recollect my asking Captain Dennott's advice
respecting ye punishment of J—— B—— at ye island for seizing
the sentinel's arms, and how I asked it ?
A.—Mr. Burne was absent when ye affair transpired. I saw
B—— seize ye musquet, for which I struck him and order'd him
in irons. On Mr. Burne's return I represented the affair to him.
Mr. Burne desired me to acquaint Captain Dennott with ye cir-
cumstance, and to ask him how he should act. On my acquainting
Captain Dennott of it, he desired me to tell Mr. Burne he might
act as he thought proper respecting ye punishing the convicts at
ye island.
- Victualling
the soldiers
and
convicts. Q.—Do you conceive Captn. Dennott paid that attention to the
victualling the soldiers and convicts on ye island which his situa-
tion bound him to perform ?
A.—He does not conceive he did.
- Q.—In what respect did he neglect the victualling those people ?
A.—In respect to his not sending the victuals at a proper time,
ye boats being otherwise engaged.
- Q.—How were those boats engaged ?
A.—In Captain Dennott's business.
- Q.—Do you remember that ye troops and convicts on ye island
were without water when that on ye island was reported by Dr.
Beyer as unfit for use ?
A.—I do.

Q.—Do you conceive that that neglect arose from Captain Dennott's employing the boats for his own private trade? 1797
6 July.

A.—I do.

Q.—Do you know if any convict women were treated unmercifully by Captain Dennott personally, and by Wharton, whom Captain Dennott ordered?

A.—In many instances he conceives they were.

Q.—State to ye Court what you know respecting the cruelties exercised on the women individually? Cruel treatment of female convicts.

A.—In ye first place, one woman of the name of Jenny B—, whose hair Captain Dennott himself cutt off, and gaged her, after having first cruelly beaten her with a cane over ye back, shoulders, and face, afterwards ironing her with both legs and chaining her with a chain; from the weight of irons, she complained to me that she was not capable of going to perform necessary occasions. In ye second place, a woman of the name of Mary F—, who, from the uniformity of her good conduct, had been countenanced by every officer on board, was confined in ye neck-yoke, put up for that purpose, for two hours, for a crime which decency alone induced her to commit. In ye third place, the women in general I've seen punished with three and four dozen at the bulk-head with a cane, ironed, and shaved for many trivial offences.

Q.—Do you remember my representing to Captn. Dennott ye cruelty of his conduct in putting Mary F— in ye neck-yoke?

A.—He does. One day, at dinner, after Mr. Burne representing ye necessity for every woman of decency to act in that manner, Captain Dennott then said he was captain, and that he would put her in the yoke. The lieutenant and the captain.

Q.—Did not Captn. Dennott say that should I represent it to Government he did not care a damn, that he was agent for ye ship, and that he would act as he thought proper, and said I had no right to interfere with him and the convicts?

A.—He did; and to which Mr. Burne replied that he should mark it in his journal that Captn. Dennott he made no doubt had the interest of his owners at heart, and that he likewise had ye interest of his king and country.

Q.—What do you imagine was ye cause of Mary C— putting an end to her existence? Suicide of a female convict.

A.—From the threats of ye preceeding night that was publickly held out by Captn. Dennott.

Q.—Do you conceive that from the tenor of Captain Dennott's conduct, exclusive of ye infamous letter he wrote, that Dr. Beyer conceived himself despised on board in his capacity of surgeon?

A.—From ye whole tenor of Captn. Dennott's conduct, I conceive he did.

Q.—Did Captain Dennott make use of any improper expressions on the quarter-deck in Mr. Beyer's official capacity?

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The
captain's
attitude
towards the
doctor.

A.—Captain Dennott once mentioned to me that he conceived Dr. Beyer the same as a ship's steward, for that they both equally belonged to the ship, and that he would be damned but he would let him know so, which I believe I mentioned to Dr. Beyer. The Dr. has frequently lamented to me that he was not allowed to have an opinion of his own as a surgeon.

Q.—What reason do you suppose Capt'n. Dennott had for making use of such expressions on ye quarter-deck?

A.—I can't pretend to say.

Q.—Had you from Rio the charge of a watch?

A.—I had.

Q.—Did Doctor Beyer ever apply to you when officer of the quarter-deck to give orders for his medicine-chest to be cleaned, and to put those obstacles out of his way which almost continually retarded him in the execution of his duty?

A.—He did, very frequently.

Q.—Were any particular articles applied for to be removed?

A.—The Dr. frequently told me that his chest was lumbered with sails and cordage, which I've seen myself.

Evidence in
the doctor's
favour.

Q.—Did you ever observe that ye many inconveniences Dr. Beyer laboured under were laughed at by Capt'n. Dennott?

A.—I have.

Q.—Have you any reason to think Dr. Beyer relaxed in his duty respecting the sick and feeble on board?

A.—I do not. I imagine him to have been very assiduous.

Q.—Do you conceive that his Majesty's stores that were in Capt'n. Dennott's care to have been embezzled?

Selling
stores.

A.—I have known two firkins of butter marked G.R. to have been sold.

Q.—Did the steward know anything of it?

A.—He did; he was the person that sold them.

Q.—Do you conceive any other provisions to have been embezzled?

A.—I do; beef, pork, and whiskey.

Q.—Did Capt'n. Dennott ever attempt to sell any of his Majesty's stores that was put on board for ye use of the convicts?

A.—He did. I saw ye man to whom he wanted to sell it. I saw G.R. erased out of one cask. I received orders from Capt'n. Dennott to get nine casks of flour marked G.R., and I've known two samples to have been taken out by the cooper for Capt'n. Dennott.

Q.—Was Captain Dennott's name in ye place of G.R. ordered to be put on the casks?

A.—It was, but never executed.

Q.—Did the steward know of this transaction?

A.—The steward erased the G.R. himself.

Complaints
of convicts.

Q.—Did you ever receive any complaints from the convicts when you went among them on duty?

A.—Frequently, as to ye badness of bread, the small allowance of wheat, the want of water, the dampness of ye berths, all which complaints, to the best of my recollection, I told Captn. Dennott. 1797
6 July.

Q.—Were those complaints redressed?

A.—They were not.

Q.—Did you ever show Captn. Dennott ye small allowance of meat?

A.—I did, twice and more, thro' Mr. Burne.

Q.—Do you conceive that ye convicts were allowed five pints of water daily, or short of four pints? The allowance of water.

A.—I, myself, calculated ye whole allowance of each prison, and ye number of buckets served out was adequate to four pints a man.

Q.—For what reason [were] ye soldiers obliged to sell their pease and oatmeal for one gill of whiskey each?

A.—I imagine from the want of water to boil their pease and oatmeal.

Q.—Was any additional water allowed to boil their pease and oatmeal? Facilities for cooking food.

A.—None.

Q.—Does it not appear strange to you that ye convicts should be allowed five, and the soldiers only four pints of water?

A.—It does.

Q.—Were not many water-casks broke up for ye convenience of stowing Captn. Dennott's private investment, amounting to about 60 tons, which ought to have been filled at Rio, for the benefit of the troops and convicts?

A.—Many casks were broke up, but what number can't tell.

The Court adjourned to 17th.

The Court met pursuant to adjournment.

F—— C——, a convict, being duly sworn :—

A convict's evidence.

Q. by Mr. Burne :—Was you ever punished at Rio?

A.—I was.

Q.—Was your punishment severe?

A.—It was.

Q.—Was Doctor Beyer present?

A.—He was not.

Q.—Was you flogged into and out of a fainting fit?

The lash.

A.—He was flogged into a fit, and, he understood from his companions, out of it, and when he recovered he found himself still under punishment.

Q.—Was you flogged on account of a plot to take ye ship?

A.—I was.

Q.—Who ordered you to be flogged?

A.—Captain Dennott.

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Three
hundred
lashes.

Q.—Did he order you to receive 300 lashes, and when you ~~had~~ received them did he say you should have 300 more?

A.—I received 300 lashes, and Captn. Dennott told me I ~~had~~ received but half my punishment.

Q.—Did he (Captn. Dennott) ever consult ye Dr. on your punishment?

A.—Not to my knowledge.

Q.—Did you ever hear your companions that were punished complain among themselves that their punishment was cruel, and that it was hard to be punished so severely without ye advice of a surgeon?

A.—He heard his companions say that they never heard of so severe a punishment without ye assistance and advice of a surgeon.

Evidence in
the doctor's
favour.

Q.—Was Doctor Beyer's attention to the sick humane, and constantly so?

A.—He attended when sent for, and frequently when not sent for, and that his conduct was humane.

Q.—Do you conceive that ye Dr.'s orders were frequently not complied with, and in what respect they were not attended to?

A.—I do, for he frequently ordered us water and vinegar, which was not given us.

Complaints
made by the
doctor.

Q.—Did you ever hear the Dr. complain that his orders were not attended to, and said he felt for them?

A.—The doctor came down to us, and frequently lamented that ye things he had ordered us were not given, and when he sent to ye steward for vinegar, he said, "— the doctor."

Q.—Do you conceive that the same rice given you at the beginning of the voyage was allowed you from Rio?

A.—He does not—that the rice was full of gravel, and ye blacks refused it.

Q.—Were you under ye necessity of selling your soap for bread?

A.—I gave my soap to ye steward, and expected bread in return, but never got any.

Convicts
purchasing
stores.

Q.—Did you ever know any whiskey out of the hold sold to ye prisoners?

A.—I got a small quantity from a man of the name of W—d, who informed me he had given two shillings for it to ye stew—d, and that he himself saw it brought from the hold.

Q. by Captain Dennott:—What was you punished for at Rio?

An attempt
to escape.

A.—For attempting to escape from ye ship.

Q.—Did you not cut your irons?

A.—I did not, but they were cut.

Q.—Was you not picked up in the water?

A.—I was.

Q.—Had you not some cloathes and bread?

A.—I had.

No. 5* was read to ye witness, and he swears ye contents is true. 1797

Q.—How do you know I gave S—— and B—— orders to come on deck? 6 July.

A.—I saw him give the orders.

Q.—Do you know for what reason they were ordered on deck?

A.—He imagines to be put on ye long chain.

Q.—Was the doctor present when you was punished ye last time?

A.—He was.

Q.—Was Mr. Burne present?

A.—I can't tell.

Q.—Do you conceive ye whiskey sold was by my orders?

A.—He can't tell, for he conceives Captain Dennott would not give such an order.

J—— R——, a convict, being duly sworn:—

Evidence of
a convict.

Q. by Mr. Burne:—Was you punished for the plot?

A.—I was.

Q.—Who order'd you to be punished?

A.—Captain Dennott.

Q.—How many lashes did you receive?

A.—Three hundred lashes.

Q.—Was Doctor Beyer present at ye punishment, and was he consulted?

A.—He was present, but was not consulted, to the best of his knowledge.

Q.—Did you ever hear any of your companions that were punished complain that the punishment was cruel, and that it was hard to be punished so severely without ye advice of a surgeon? Punishment excessive.

A.—I did, and he heard some of ye soldiers say that it was very hard to see such murder going on without consulting the Dr. as to their being able to receive it.

Q.—Was Doctor Beyer's attention to the sick constant and humane?

A.—It was; he came constantly down, and complained and lamented that it was not in his power to do anything for us—that his heart bled at ye situation he saw them in. A sympathetic doctor.

Q.—Did you ever hear Dr. Beyer complain that his orders were not attended to?

A.—I did. I have heard him give orders to ye steward to give us water and vinegar, and ye steward replied, when his back was turned, "——the doctor," and he would give neither one or the other.

Q.—Were you under ye necessity of drinking your own urine?

A.—I was.

Q.—How much water did you receive from 9 on the one morning until 7 ye next morning? The allowance of water.

1838 *A.*—About one quart.

6 July. *Q.*—Was you in the fore-hatch?

A.—I was.

Q.—Did you ever see me come down among you and commiss~~er~~ate your distressed situation?

A.—You did.

Q.—Were any complaints made to me?

Convicts' grievances *A.*—There was. *K.*—complained that their grog was stopped, and that we wanted some more water.

Q. by Captn. Dennott to Mr. Burne.—Were those complaints ever reported to me by you?

A.—They were not, because I had every reason to believe that the captain would think me officious, having before told me that I had no business to interfere with ye convicts.

A convict's evidence

J.—*B.*—, convict, being duly sworn :—

Q. by Mr. Burne.—Was you punished on account of the plot?

A.—I was.

Q.—Who ordered you to be punished?

A.—Captain Dennott.

Q.—How many lashes did you receive?

A.—300, and he told me I was to receive 300 more ye next day, but I did not receive them.

The doctor's account.

Q.—Did Captain Dennott tie up and take you down without consulting the doctor as to the number of lashes you was to receive?

A.—The Dr. was not present at ye time I was punished.

Q.—Did you ever ask Captn. Dennott for a drop of water after you was punished, to cool your tongue?

A.—I did in ye middle of ye punishment, and after punishment, but could get none. The captn. then order'd me to be taken down, and during ye punishment the captn. was smiling, and when I asked for a drop of salt water he told me I should have none, and on my saying I should die, he replied, "Die and be damned."

Remarks of the punishment.

Q.—Did you ever hear your companions that were punished complain among themselves that ye punishment was cruel, and that it was hard to be punished so severely without ye advice of a surgeon?

A.—I did hear them complain that they were punished without ye advice of ye surgeon, and of ye hard usage they got before and after punishment.

Q.—Was Doctor Beyer's attention to ye sick humane and constant?

A.—It was humane, and but for him and Mr. Froome himself and others would have expired; that on speaking ye sentinel threatened to shoot them.

Q.—Do you conceive that ye steward sold any of H.M. stores to ye convicts for money? 1797

A.—He sold bags of bread, cheese, spirits in ye ship, and butter, pease, and pork in ye island. 6 July. Disposing of stores.

Q.—Did ye steward give bread to ye convicts for their soap?

A.—He gave rotten bread for ye soap.

Q.—What quantity of water did you get daily from Rio?

A.—Sometimes one quart and half-pint, sometimes three pints. The allowance of water.

Adjourned to Monday, ye 19th.

The Court met pursuant to adjournment.

B—— E——, convict, being duly sworn :—

The cook's evidence.

Q. by Captain Dennott.—Did you act as cook in ye island of Rio?

A.—I did.

Q.—Did ye prisoners feel any inconveniences from the want of provisions or water?

A.—They did not, for I gave them some provisions before ye steward came with their rated daily allowance.

Q.—What number of prisoners were punished in the island?

A.—He believes six or seven.

Q.—Was ye doctor always present at ye punishment?

A.—I did not see him there.

Q.—Was you on ye quarter-deck ye time ye prisoners were punished?

A.—I was at ye time B—— and H—— were punished.

Q.—Did ye doctor give his opinion as to ye number of lashes they were able to bear? The doctor's treatment of the convicts.

A.—He did give his opinion on being asked by ye captain.

Q.—Was you on deck at ye time the body of P—— G—— was brought up?

A.—I was.

Q.—Did you hear ye Dr. say that he could not have died from ye punishment he received, as he was a strong man, or words to that effect?

A.—He heard him say he was a strong man.

Q.—Did you ever know me act with cruelty or inhumanity to any of ye prisoners? The captain and the convicts.

A.—At ye time we were detected in ye conspiracy we were healthy and well treated, and did not wish to be better used than we were by the captain.

Q.—Can you say anything respecting ye doctor's treatment of ye prisoners after they were punished?

A.—He went down at different times, as well as ye man under him.

Q.—Did you ever hear any of ye prisoners complain of ye doctor's want of humanity?

A.—Some did, and some did not.

1787
6 July.
State of the
vessel.

Q.—Was not ye dampness of ye prison more owing to bad weather than to neglect?

A.—The weather was bad, and I saw men ordered down with scrapers to keep it clean every day.

J—— B——, convict, being duly sworn :—

A convict's
evidence.

Q. by *Captain Dennott*.—In what situation was you at ye time you was accused of taking the sentinel's arms? Was you drunk or sober?

A.—I was in liquor.

Q.—Was you flogged for it?

A.—I was.

Q.—Was ye doctor present?

A.—He was.

Q.—Were ye berths kept clean during the voyage?

A.—Mr. Froome came down every day and order'd them to be cleaned.

Q.—Was ye doctor often down from Rio to Sydney Cove?

A.—He was six or seven times down.

Q.—Who dressed ye prisoners' backs?

A.—Sometimes Sandford, an old man, dressed them, and sometimes they dressed their backs themselves.

Q.—How many days before our arrival did Mr. Byrne go down among the prisoners?

A.—He went down after we made ye land.

Mary B—— being duly sworn :—

Evidence of
a female
convict.

Q. by *Captain Dennott*.—Did you miscarry on board ye ship?

A.—I did.

Q.—Relate to ye Court in what manner you was treated by Dr. Beyer on that occasion?

A.—I was treated very badly by him. I was sick for three months, and he did not give me anything during that time except half a glass of wine. I sent Peg L—— for a drink of water, and he told her that he would kick her. The captain sent me a bottle of wine and water, and but for that I should not have been alive.

Q.—When you applied to ye doctor for medicine, did he not damn you for a bitch?

A.—He did; and did not give me any medicine, nor did he give me any wine after I miscarried.

Q.—Do you know Mary C——?

A.—I do.

Suicide of a
woman.

Q.—Do you think by any illusage of mine I was ye cause of her throwing herself overboard?

A.—You was not, for she was always deranged.

Q.—Was she not a woman of bad character?

A.—She was; she attempted to cut her own throat.

Henry James Purcell, a private soldier of N. S. Wales Corps, 1797
being duly sworn :—

6 July.

Q. by Capt. Dennot.—Was you on ye quarter-deck during the time of punishment ? A soldier's evidence

A.—I was ye greater part of the time.

Q.—Did I not ask ye doctor as to ye quantity of lashes each man was able to bear ?

A.—Some discourse passed between the doctor and captain, but cannot say what.

Q.—Do you recollect ye two K——s being punished, and did not ye doctor say that they had been sickly on ye island, and were not able to bear 300 lashes, but were able to bear 200 lashes ?

A.—I do recollect it.

Q.—Do you recollect B—— being tied up a second time ?

A.—I do.

Q.—Did you hear the doctor say his hide was tough ?

A.—I did.

Q.—Did you ever hear the doctor encourage the men to flog hard ?

A.—I did not.

Q.—Did you ever hear that I attempted to supercede him as a surgeon ? favourable to the captain.

A.—I never did.

Q.—Was you on deck at ye time the body of G—— was brought on deck ?

A.—I was.

Q.—Did you hear the doctor say he did not die in consequence of ye punishment he received ?

A.—I did.

Q.—Was my conduct to you or to any other person on board brutal or inhuman ?

A.—It was very humane.

Q.—Did you hear any complaints against ye captain by the soldiers ?

A.—I did not.

Q.—Was Mr. Burne on deck during the punishment ?

A.—Sometimes he was.

Q.—Did Mr. Burne appear to be active in the punishment ?

A.—He did.

Q.—Was B—— drunk at ye time he seized the sentinel's arms ?

A.—He was.

Q.—Did you, the troops, or convicts suffer on ye island for want of water or provisions ? His treatment of the troops and convicts.

A.—They did not.

Q.—Did ye troops or convicts complain that ye provisions were not sent to ye island at a seasonable hour ?

A.—One day they did.

1797

6 July.

Q.—Did you ever hear Mr. Burne complain of any ill-usage or neglect of ye troops by Captn. Dennott?

A.—I do not recollect I did.

Q.—Was the conduct of ye doctor humane to the sick?

A.—I cannot say.

Q.—Was Thos. Mancell, a private, paid proper attention to by the doctor?

A.—I think not.

Q.—Was not a man very ill of ye flux, and was he not ordered on deck to be washed by cold water, and by whom?

A.—He was ordered to be washed by ye doctor.

Q.—How long did the man live after being washed?

A.—He died the next day.

A burial at sea.

Q.—In what manner was he buried—was any prayers used over him?

A.—He was thrown overboard without ye usual prayers.

Q.—Did you ever know ye tarpaulins unnecessarily kept on, and whether ye lee side was not always kept up to give air to ye prisoners?

A.—I never did, unless when necessary.

Q.—Was any tarpaulins on ye hatch ye first night of ye day of punishment?

A.—There was not.

Q.—Did you ever hear ye prisoners at the main hatch complain of thirst?

A.—I did not.

Q.—Was you ever offered any reward by me to come forward, or did I ever attempt to bias your opinion?

A.—You never did.

Thomas Franklin, corporal of N. S. Wales Corps, sworn :—

The corporal's evidence.

Q. by Captn. Dennott :—Was you on ye quarter-deck at ye time ye people were punished?

A.—I was looking over the bulkhead.

Q.—Did you hear ye Dr. asked as to the quantity of lashes the men were able to bear?

A.—I saw ye doctor with a slate in his hand taking down ye number of lashes they received.

Q.—Do you not conceive the doctor as much concerned in ye punishment as myself?

A.—I think he was.

Q.—Did you ever know me to supercede ye doctor as a surgeon?

A.—I never did.

Q.—Was you on deck when the body of G—— was brought on deck?

A.—I was.

Q.—Did Mr. Burne appear to you to take an active part in ye punishment? 1797

A.—He did; he ordered ye party up two days, by Mr. Burne's orders.

6 July.

Q.—Did not Mr. Burne order his own people to punish and encourage them in it?

Lieutenant
Burne and
the convicts.

A.—He did order two men to punish.

Q.—When B—— was punished the second time, was you on deck?

A.—I was.

Q.—Did the Dr. say he could bear more lashes?

A.—He did, and said he should have his punishment ye next day.

Q.—Was my conduct to you or ye troops tyrannical or inhuman?

A.—It was not; any favour I asked was always granted.

Q.—Was the doctor's conduct to ye sick humane?

A.—I think it was not.

Q.—Was ye Dr.'s orders in throwing water on M—— ye cause of his death?

A.—He thinks it was.

Q.—In what manner was he buried, and was prayers read over him?

A.—He was thrown overboard, but ye weather was so rough as to render it impossible to read prayers over him. Mr. Burne regretted that it could not be done. A burial at sea.

Q.—Did you ever know ye tarpaulins unnecessarily kept on?

A.—I never did.

Q.—Was not ye wetness of the prison occasioned more by bad weather than neglect?

A.—It was.

Q.—Was not two men appointed to keep ye prisons and hatches clean?

A.—There was.

Q.—Did I ever offer you any reward or bias your opinion in this business?

A.—He never did.

Mr. Wharton, 2nd mate of Britannia, recalled —

Q. by Capt. Dennott:—For what reason was Jenny B—— put in irons? The second mate recalled.

A.—For attempting to throw herself overboard.

Q.—Did I not stop her throwing herself overboard?

A.—You did. She abused you very much, and in consequence you cutt her hair off, caned her, and put her in irons.

Q.—Did I not always give you frequent and proper orders to keep ye prisoners dry and clean, and did you obey those orders?

A.—You did, and I obeyed them.

1797 Q.—Did I not often complain to you of Mr. Froome's want
6 July. of attention to his duty?

A.—You did.

Q.—Do you think those complaints originated from private
picque or malice, or thro' my situation as commander of ye ship?

A.—Not from private picque, but as commander of ye ship.

Q.—Was not Mr. Froome in general the officer ordered to see
the prisoners kept clean?

A.—He was.

Margt. L—— being duly sworn :—

A female
convict's
evidence.

Q. by Captn. Dennott :—Did you know Mary C—— in Dublin
Gaol?

A.—I did.

Q.—Did she attempt to hang herself there?

A.—She did twice, from wickedness.

Q.—Was I ye cause of her throwing herself overboard?

A.—You was not.

Q.—Was she a woman of bad character?

A.—Very bad.

J—— B——, a convict, duly sworn :—

Evidence of
a convict.

Q. by Captn. Dennott :—Did not, when you was tied up ye second
time, the Dr. order you the remaining punishment?

A.—He did.

Q.—Did you complain that you was not able to bear ye punish-
ment to ye Dr., and what did the doctor reply?

A.—I did. He said I could bear it, and in consequence I
received it.

Q.—After I ordered you down, did not ye doctor order you
eight lashes more?

A.—He did.

Q.—Was you carefully attended after punishment by ye doctor?

A.—I was not carefully attended by the doctor.

Q.—Were ye other persons that were flogged properly attended
by the doctor?

A.—They were not.

Q.—Did ye doctor often come down among you?

A.—Three or four times in nine weeks.

Q.—Were there any bad smells among you?

A.—There was for want of attention in the doctor.

Q.—How many days before ye ship came into Sydney was Mr.
Burne down among you?

A.—Since we made the land.

Q.—Was there any other bad smells than from ye backs of the
men punished?

A.—There was.

Q.—Did any persons make any complaints to Mr. Burne?

1797

A.—They complained for the want of their grog.

6 July.

The Court adjourned to ye 21st.

The Court met pursuant to adjournment.

Two letters read by Captain Dennott, No. 6 and 7.

Adjourned sine die.

[Exhibit No. 1.]

SURGEON BALMAIN TO MR. BEYER.

Sir,

Sydney, 1st June, 1797.

It having come to the Governor's knowledge that several of the convicts have died on board the Britannia in consequence of the severe punishment inflicted on them, I am commanded by his Excellency to desire that you will state to me what, according to the best of your judgment, you believe to have been the cause of the death of the several convicts under your inspection, and also whether you consider their treatment in general throughout the voyage to have been proper and suitable to the intention of sending them hither in health and safety. I am, &c.,

Death of convicts at sea.

WM. BALMAIN,
Surgeon to the Settlem't.

[Exhibit No. 2.]

MR. BEYER TO SURGEON BALMAIN.

Sir,

Sydney, 2nd June, 1797.

I have been honored with yours of the 1st instant, desiring me to state to you, for the information of his Excellency Governor Hunter, whether I can impute the death of several convicts who were punished on board the Britannia, transport, to the severity of the punishment inflicted, and likewise to assign (to the best of my judgment) the reasons of the death which happened in the course of the voyage from Ireland, and whether the treatment has in general been suitable to the intention of sending them hither in health and safety.

The doctor's reply.

In reply to the first question, I have to observe the death of six convicts is imputed by me to the severity of punishment, having received more lashes than was consistent with the state of weakness in which they at that time laboured under, from the many inconveniences which attended the previous part of the voyage; and I hereby declare, upon my honor, I was not consulted respecting the punishment of any of the convicts except one or two, which I can hereafter mention verbally, should his Excellency require it.

His opinion not taken.

Secondly, nine convicts died of various complaints; some of them fell a sacrifice to the scurvy, flux, and debilitation. Several of aforesaid complaints proceeded from want of cleanliness in

1797 apparel, continual wetness in their berths, foul air, bad water (as
4 July. the ventilators and water-sweetners sent on board by Government for that purpose were not made use of), in consequence of which a number of their beds and bedding and some of their cloathing were destroyed, and obliged to lay without beds.

Treatment
of convicts
at Rio.

On our arrival at Rio de Janeiro, I reported to Captain Dennott the state of the troops and convicts, pointing out the means requisite for their recovery (a copy of said letter I have annexed),* which was complied with in as far by landing them after the arrival of a week, by granting them fresh provisions four times in the week, some fruit and vegetables only on said meat-days. Lieut. William Burne, finding that Captain Dennott did not chose to comply with my request, thought proper to grant the troops under his command fresh provisions daily, and which was highly requisite for the recovery of their health.

Before I conclude, to prove to his Excellency how far my advice was to be considered requisite for the punishment of any culprit, I herein inclose a copy of a letter† written by Captain Dennott previous to his sailing from Ireland, to which I beg his Excellency will pay particular attention, and I am sorry to observe that the whole of his conduct with regard to me in my official capacity has all along coincided with the tenure of his letter.

I have, &c.,

AUGUSTUS BEYER,
Superintending Surgeon.

[Exhibit No. 3.]

CAPTAIN DENNOTT TO MR. RICKETTS.‡

Dear Sir,

Cove, 21st November, 1796.

Regulations
for guarding
the convicts.

As the convicts will be on board to-day or to-morrow, I shall just mention a few points to which I must beg you will pay particular attention :—That there may be a constant guard kept ever them during the day, and that one officer with ten armed men strengthen that guard during the night ; that no boat be allowed to come 'longside of the ship with things for sale, but what is searched very strictly ; that no weapon of any kind be brought into the ship ; and that every loaf of bread that may be brought on board for the convicts be either cutt or broken in two, least any files, knives, or anything of that kind be concealed therein, as has been the case at this place before ; that due and particular care be paid in keeping them clean below, and that an officer be always ordered on that duty, and see that any scrapers or brooms or other utensils be handed up again ; that their beds be ordered on deck every morning, without it should be very bad weather to prevent it ; and when the convicts are on deck that they are to be chained to the side, and never exceed the number of thirty, who are to be relieved every two hours, that the men may be all

* Exhibit No. 4. † Exhibit No. 3. ‡ Mr. Ricketts was chief mate of the Britannia.

on deck in the course of the day ; that their irons be searched twice every day with the greatest minuteness, and in case any convict should have attempted to get his irons off, for the first offence he be punished with no less than six dozen of lashes, with a right and left catt, if able to bear so much ; that you are to be the judge, and not the doctor ; during the punishment that a guard be drawn up on the quarter-deck with bayonets fixed and loaded musquets ; if any instrument should be found on any convict, that he be immediately punished with four dozen lashes, and if found in any of their berths that the whole belonging to that berth be punished in like manner, without they declare the culprit ; if the convicts should refuse to clean their different berths, the person so offending be punished with two dozen lashes. I have also to request that a proper guard with arms always attend when the prison-door be opened, and that they be locked down during the night, and if you think it necessary during the day ; and that you will always take care of our own boats, that they be so secured that no attempt can take them from the ship.

1797

6 July.

Pre-
cautionary
measures.

I have, &c.,

THOMAS DENNOTT.

[Exhibit No. 4.]

SURGEON BEYER TO THOMAS DENNOTT.

Dear Sir,

Rio de Janeiro, 12th February, 1797.

Duty commands me to inform you the state of health of our troops and convicts is at present of such a nature as requires immediate assistance. If, on the contrary, a great mortality certainly will take place.

Fresh
provisions
requisite.

To obviate said symptoms, potent adjuvants are requisite, viz:—

To supply the troops and convicts during our stay here at Rio de Janeiro with fresh provisions daily.

To allow them two oranges each per diem, or any other fruit, highly essential, as the scurvy is making a rapid progress, and for which extra expence I doubt not Government will not only indemnify you, but return you thanks on the occasion so justly due to you.

Lastly, as there is opportunity, to send all the troops and convicts on shore for the benefit of their health as soon as possible.

All I have to add is as your sagacity will easily discover, so am I confident it will coincide with your approbation.

I am, &c.,

AUGUSTUS BEYER.

[Exhibit No. 5.]

THE DEPOSITION OF F—— C——.

F—— C——, a convict on board the Britannia, says that after
P—— G—— had been punished he was put down among the
The deposition of a convict.

1797
6 July.

Convict
mutineers
flogged to
death.

other prisoners, with additional bolts and handcuffs, and asked for a drink of water, when Mr. Wharton, the 2nd mate, told him he would give the rascal poison first. That P—— G—— lay on his back handcuffed to another man, still crying out and offering a guinea for a drink of water or an orange, which he could not procure. He then cried out to give him some wine, which S——, another of the convicts, did, and he, C——, sweetened it with sugar. This was given him in the night about 3 o'clock; he laid till about 7, and then expired. Many of the convicts cried out continually for water, but none was suffered to be given them till after G—— had expired, when they sent down a buckett of water, from 7 to 8 gallons; the men being so thirsty, they scrambled who should get a drink first, on which Mr. Wharton, Mr. Froome, and the steward jumpd down to see what was the matter, and the captain ordered them to knock down any person that was out of his berth, and that if any of the rascals spoke a word he would blow their brains out. A convict of the name of C——, who had been punished, stooping down to take a drink of water, Mr. Froome, by the captain's orders, struck him across the loins. The man from that time faltered his speech, and expired the next morning. B—— and S——, two men who had the day before received 300 lashes, were called up and ordered to receive 300 more. B—— expostulated with the captain, begging he would minutely enquire into the affair, and it would be found that he was not so culpable as it appeared to him; that he had been a recruiting serjeant; that he had raised a number of men, and had been a faithful servant to his Majesty King George. The captain, in return, dam'd his Majesty and himself, and then ordered him to be tied up, and looking at the catt observed that they were not sufficient to open his skin. He then got a piece of horse-skin, and made the boatswain get another piece, and then the boatswain tied them to a short stick, and the captain took it and stood by while the boatswain tied knots on the leather. He then ordered the men some grog before they began to flog them, saying, "Dam your eyes, this will open your carcasa." S—— lived three or four days, and B—— some time longer.

[Exhibit No. 6.]

ISAAC FROOME TO CAPTAIN DENNOTT.

YOUR goodness will, I trust, excuse the liberty of this address when kindly considering my present situation, and the motives that induced me thus far to presume will, I trust, be sufficient apology for the liberty of this intrusion.

A contrite
officer.

To palliate my crime, I do not mean, neither shall I attempt, to vindicate my conduct. I must own it has been such as but too justly merits your displeasure and disregard, and it is with a due sense of the impropriety of it that I now most submissively

request your forgiveness. I own, sir, I have most grossly offended, but I trust not exceeded the limits of pardon. Could you, sir, kindly look over the past, it shall ever be my chief study and desire so to conduct myself as to merit, if possible, your esteem and protection, and I am well convinced after what has transpired, together with your kind and friendly advice, that I shall not fail in the attempt. Be pleased then, sir, to obliterate the past, and restore me, pray, to your once, I believe, good opinion, and the uniformity of my future conduct shall be such as I trust will give satisfaction, as also prove to you the sincerity of my professions. I again beg you will excuse this liberty, and believe me to be, &c.,

ISAAC FROOME.

1797

6 July.

CAPTAIN DENNOTT'S ADDRESS TO THE COURT.

Gentlemen,

Sydney, 21st June, 1797.

It is not my intention to take up your time with a tedious recapitulation, yet I think it necessary I should mention some circumstances in explanation. When the convicts were embarked in Ireland, I enquired of Mr. Sainthill, the resident agent, if the Government of Ireland did not give orders, how I should conduct myself towards the prisoners. I was informed by him that he knew of none, neither had he any instructions whatever to give, and that I was to act as circumstances might require. Left then alone in a situation entirely new, I was determined if the conduct of those committed to my charge would but permit to make them as comfortable as it was possible, but at the same time if they behaved ill to have them punished in such a manner as to deter others from being guilty of similar offences. I have always been of opinion that severity in some instances is lenity in general. It never was my wish to punish at all, and I presume that my conduct to the prisoners, both before and after the plot, will convince you of that, as a very few were punished, and those but slightly. Prior to my writing the letter No. 3, I had understood that a punishment of some soldiers had taken place on board, which appeared to me so very slight that I thought it by no means adequate to the character of those I had to deal with, and in consequence wrote to Mr. Ricketts. I knew ye man to whom I wrote to be humane, and that there was not the least danger of the convicts being ill-treated or wantonly punished. I am confirmed in that opinion by the humanity he has always shown them. By mentioning the punishment of the prisoners at the island I do not mean to blame the conduct of Mr. Burne; only that if it were improper for me to punish men in the absence of the doctor, it was equally so in him to do so, who now stands forth as my accuser. When I was convinced that the prisoners had determined to seize the ship and destroy the lives of a number of innocent men, I conceived it my duty to have them punished, but

The captain's instructions from the agent.

Exhibit No. 3.

The necessity for severity.

1797

6 July.

A negligent
officer.

it was never my intention to affect their lives. In the hurry and confusion of the day I did not think of holding a consultation, particularly as I found every one on deck, and every one willing, aiding, and assisting. No objections were made or even hinted, either on that day or either of the days of punishment; everybody attended and appeared to me to be as earnest in their punishment as myself. The conduct of my youngest officer (Mr. Froome) has ever been negligent and inattentive, consequently I found fault with him. To prove that he once thought so himself, I beg that the annexed letter, No. 6,* may be read. His actions since have never, in my opinion, corresponded with the promises he has made. The mode the prosecutors have taken to establish their assertions—by robbing private papers, breaking thro' the laws of hospitality by bringing forth private conversation, ransacking every private concern, and every unguarded expression stretched to the utmost to make it appear in the worst light—will, no doubt, have its effect with you, gentlemen, in the decision you are to give.

An error or
a crime.

My defence I leave to the evidence already produced before you. I trust myself with confidence to you, and, from the candour and patience you have shown in elucidating the charges exhibited against me, I have no reason to apprehend that you'll impute crimes to me when I may have been only guilty of error.

Humanum est errare, and, whether I am condemned or acquitted, I shall ever feel myself under the greatest obligation to this Court for the manner they have conducted this enquiry. I beg leave to subscribe myself with the greatest respect, Yours, &c.,

THOS. DENNETT.

DECISION OF THE COURT.

The captain
censured.

AFTER maturely considering the evidence on both sides that has been brought before us on this occasion, we are unanimously of opinion that Captain Dennott's conduct in punishing the convicts in the manner he did for conspiring to take the ship was imprudent and ill-judged, inasmuch as he did not take the sense of the officers and ship's company, individually, as to the steps necessary to be adopted for the preservation of the ship and the lives of the people therein, for although they might have been all present, and many of them assisting on that occasion, yet their not having been formally consulted renders it questionable whether the captain's proceedings would have met their unanimous approbation, and, so far, his conduct in this instance may be regarded as bordering on too great a degree of severity; but we also clearly concur of opinion that the surgeon (Mr. Beyer) was beyond all the other bystanders particularly culpable in not steadfastly protesting against the cruelties which he charges Captain Dennott with, and was therefore inexcusably negligent and indifferent in

The doctor
blamed.

* Ante, pp. 274, 275.

THE TRIAL OF CAPTAIN DENNOTT.

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the performance of his duty, and consequently, in an eminent degree, accessory to the inhumanities he complains of. Such is our opinion as to the first charge. 1797
6 July.

With respect to the second, we believe that (unless in the instance of the ventilators, water-sweetners, and swabs, not having been made use of) Captn. Dennott gave proper orders, and did not omit taking the necessary steps for bringing the troops and convicts hither in safety, especially when the refractory state of the people he had in charge and the coercion he was obliged to make use of towards them for the preservation of the ship and the people is considered.

Before we conclude, we here beg leave to offer to his Excellency our opinion that all ships coming to this port with transports should have on board an officer of the Crown, who should be invested with proper power and authority, as well for the conducting of the ship as the particular inspection and direction of the management of the convicts on board. A recom-
mendation.

RICHARD ATKINS, J.A.

W. BALMAIN, J.P.

RICHARD JOHNSON, J.P.

[Enclosure No. 2.]

LIVE STOCK, 6 JULY, 1797.

ACCOUNT of Live Stock received into the colony from the Cape Good Hope by his Majesty's ships Reliance and Supply, July, 1797.*

	Cows.	Cow- calves.	Mares.	Sheep.	Live stock.
On account of Government	53	...	...	37	
On account of the officers of the ships in their own appartments	13	7	7	84	
Total	66	7	7	121	

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord, Sydney, New South Wales, 6th July, 1797.

A ship nam'd the Sydney Cove having been loaded with a cargo of goods upon speculation from Bengal to this port, was wreck'd in February last upon this coast, in latitude 40° 37' South,† or about 408 miles to the southward of Port Jackson. Seventeen The Sydney
Cove.

* Ante, pp. 236, 237.

† The vessel was wrecked on one of the islands of the Furneaux Group, which is still known as Preservation Island.—Appendix A.

1797 of her crew embark'd in the longboat in order to reach the harbor,
 6 July. and to procure whatever assistance could be had here ; but they
 — were also wreck'd upon the coast 220 miles to the southward of
 The shipwrecked this port.* They all got on shore, and travel'd along the coast,
 crew. and in May last a small row-boat, fishing to the southward of
 Botany Bay, discover'd three people on the shore, whom they took
 into the boat and brought hither scarcely alive. The remainder of
 the seventeen have undoubtedly perish'd or been kill'd by the
 natives, these survivors having been much annoy'd and wounded
 by them. On their arrival they gave an account of two others
 whom they had left a small distance from the place where they met
 the boat, but too weak to proceed farther. Upon this information
 A relief I immediately sent a whaleboat well mann'd, and put on board
 vessel. her everything which cou'd be necessary for people in that con-
 dition, as well cloathing as nourishing articles of food, and sent
 the same fishermen who had taken up the others in this boat ; but
 these unfortunate men were not to be found. Some articles they
 had were pick'd up cover'd with blood, so that we have reason to
 believe they have been murder'd in this helpless state.

As soon after as possible I dispatch'd the Colonial schooner to
 the southward, together with a deck'd longboat,† in order to take off
 The rescued the people who had been left upon the island on which they had
 crew. been wreck'd. The schooner is just arriv'd, and has brought the
 commander (Mr. Hamilton), the only surviving European, and
 the remainder of the Lascars. The commander has left six of his
 own people in charge of the property sav'd, one of whom is one
 of the three who reach'd this place, and who, being well recover'd,
 return'd to the wreck in the schooner. I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO SECRETARY NEPEAN.

10 July. Sir, Sydney, New South Wales, 10th July, 1797.

Having, in the end of September last, order'd his Majesty's
 ships serving on this station to the Cape of Good Hope, on the
 service of the colony, of which I appris'd you for the information
 of their Lordships, I have now to request you will be pleas'd to
 inform their Lordships that the Supply returned to this port on the
 16th of May in a most distressing and dangerous condition. Such
 H.M.S. has prov'd the state of that ship that had her defects been so
 Supply. complain'd of by her commander at the Cape as to have occasion'd
 an examination of them, she would have been found unfit to leave
 An unsea- that bay ; but he, well knowing the importance to this colony of
 worthy vessel.

* The longboat appears to have been wrecked in the vicinity of Point Everard.

† The decked longboat, The Eliza, was in charge of Alexander Armstrong, master of H.M.S. Supply. She separated in a gale from the Francis shortly after the rescue of the shipwrecked crew of the Sydney Cove, and neither her nor her crew was afterwards heard of.—*Post*, p. 309.

the service he was employ'd upon, wou'd not apply for a survey, but chose rather to risk everything in an attempt to fulfill the design of his voyage. He did fulfill it, altho' with much difficulty and very considerable danger, as their Lordships will readily admit on examining the enclos'd report of a survey which I had order'd upon her arrival, and into the truth of which I have myself very scrupulously examin'd—to say that I am concern'd at the decay and consequent loss of the services of this ship is but faintly to express the anxiety I have experienc'd in consequence of it, as depriving me of the power of fulfilling the commands of his Majesty relative to the stocking this colony with live cattle, the Supply being of a construction and equipment so well fitted for that service.

1797

10 July.

I have made known this unfortunate circumstance to the Duke of Portland, and have inform'd his Grace how necessary it will be to have a ship sent out instead of the Supply, which ship I can only now use as a guard-ship in the port, and employ her officers and crew as the service here may require, having no means of sending them to England. I trust their Lordships will approve of my doing so untill such time as it may be determin'd whether a ship shall be immediatly sent instead, and which I hope their Lordships will pardon me for suggesting might be done with the compliment of a merchant ship, and to be fill'd with such stores as the colony has applied for; the stores of the Supply (an account of which will be sent to the Navy Board) will render the equipment of another ship less expensive, the officers and crew to be turn'd from the one ship to the other, and the men necessary for bringing this ship out will complete the compliments of the two station'd ships.

The Supply
used as a
guard-ship.

Disposal of
her crew.

I shou'd do great injustice to the zeal and merits of an excellent, able, and steady officer were I not to express the gratification I shou'd experience wou'd their Lordships condescend to countenance my recommendation of Lieut. William Kent, comr. of the Supply, an officer who has serv'd seventeen years as lieutenant, and to put whatever ship may be order'd here in the room of the Supply on the establishment of a sloop and this officer her commander. I am unwilling to solicit anything which might occasion expence; my present request cou'd not, because the Supply is in every respect but that of being commanded by a lieutenant the same as a sloop with a peace compliment. I shall in no other respect trouble their Lordships with the claim of Lieut. Kent but that of a diligent service of twenty-seven years.

Lieutenant
William
Kent.

Shou'd their Lordships disapprove of the liberty I have taken in favor of this deserving officer, I hope and trust they will pardon it.

I have, &c.,

JNO. HUNTER.

1797

[Enclosure.]

10 July.

Survey of the Supply.

Pursuant to an order from his Excellency John Hunter, Esqr., Captain-General and Governor-in-Chief in and over his Majesty's territory of New South Wales and its Dependencies, &c., &c.

We whose names are hereunto subscribed have taken a strict and careful survey on his Majesty's arm'd vessel Supply, Lieut. William Kent, commander, and find as follows (viz.):—

Unseaworthy
condition of
H.M.S.
Supply.

The hawse timbers and night-head, from the top to light water-mark, rotten.

The stem and stomach piece decayed and rotten to light water-mark.

The breast-hooks two-thirds rotten.

The timbers, from the plank sheare to light water-mark, many rotten and others much decayed.

The bulwarks, waterways, and upper planks all rotten.

The beam-ends two-thirds rotten.

The riders and knee-bolts all loose, the beams working in the clamps very much.

The stern quarter timbers rotten, and by examining below the light water-mark we found the principal timbers rotten, and we are unanimously of an opinion that many others are in the same state.

That the above ship is irreparable in this port or any other, and in our opinion unfit to proceed to sea.

And we do further declare that we have taken this survey with such care and equity that (if required) we are ready to make oath to the impartiality of our proceedings.

Given under our hands, at Sydney, in New South Wales, this second day of June, in the year of our Lord one thousand seven hundred and ninety seven.

JNO. LIVINGSTON.

JNO. COLDWELL.

J. MOORE.

WILLIAM STEVENSON.

GOVERNMENT AND GENERAL ORDER.

10 July.

19th July, 1797.

Parole—Hood.

Countersign—Howe.

Fresh pork.

THE Commissary will on Saturday, the 22nd instant, begin to issue weekly, until further orders, half the ration of fresh pork.

JNO. HUNTER.

TRANSPORT COMMISSIONERS TO UNDER SECRETARY KING.

1797

Sir,

Transport Office, 22nd July, 1797.

22 July.

In answer to your letter of the 21st of June last, signifying his Grace the Duke of Portland's desire that we would engage a vessel to convey from hence 300 male convicts to New South Wales, and to contract for their victualling during the voyage thither, we beg you to inform his Grace that, having procured a suitable ship for this service, we would humbly submit for consideration whether it may not be expedient for Government to supply the victualling, rather than to engage for it upon contract, many inconveniences having formerly arisen on this mode of subsisting the convicts, and probably may be expected again, where the interest of certain individuals is concerned in this respect to pervert the intentions of Government. We are, &c.,

Victualling
transport
ships.

RUPT. GEORGE.

AMBROSE SERLE.

JOHN MARSH.

THE CASE OF SIR HENRY BROWNE HAYES.

County of the City of
Cork, to wit.

{ THE joint and several information of
Mary Pike, of the City of Cork, spinster,
aged about twenty-one years, only daughter

Information
laid against
Hayes.

and heiress of Samuel Pike, late of the City of Cork, banker, and Ann Penrose, daughter of Cooper Penrose, of Woodhill, in the North Libertys of the said City of Cork, spinster, aged about twenty-six years, taken and sworn before Jasper Lucas, Esq., one of his Majesty's Justices of the Peace for the city and county of the City of Cork, the twenty-second day of July, one thousand seven hundred and ninety-seven.

These deponents being severally sworn and examined on the Holy Evangelist, depose and say as follows:—That about the hour of two o'clock this morning, inform'ts being in the said Cooper Penrose's carriage, in company with Ann Pike, the wife of Richard Pike, of the said City of Cork, banker, on the Strand, leading from the said city to Glanmire, near the brick-fields in the North Libertys of the said city, on their way to the dwelling-house of Catherine Pike, the mother of informant Mary (in consequence of a letter received at Woodhill aforesaid, by the said Cooper Penrose, about one o'clock this morning, purporting to be a letter from Doctor Gibbings, in the words following: "Dr. Sir,—Our friend, Mrs. Pike, is taken suddenly ill. She wishes to see Miss Pike. We would recommend dispatch, as we think she has not many hours to live. Yrs &c., Rot'y Gibbings"; but which letter informants have since heard and verily believe to be a forgery, and sent to said Cooper Penrose—merely for the purpose of bringing the inform't Mary Pike to

Depositions
of the
parties.

1797
22 July.

Abducting
an heiress.

A marriage
under
compulsion.

The absence
of consent.

Cork at so unseasonable an hour—by Sir Henry Browne Hayes, of Vernon Mount, in the South Liberties of the City of Cork, Knight, that he may carry off the informant Mary), the said carriage was stopped by a number of men, armed with pistols, one of whom was muffled and disguised by having a handkerchief round his face, but who informants believe to be the said Sir Henry Browne Hayes, and the others of said men, to the number of about five, utterly unknown to informants; the said Hayes, as informants believe, being so muffled and disguised, with a pistol in his hand, opened the door of the said Penrose's carriage, and in a peremptory manner ordered inform'ts and the said Ann Pike out of the said carriage, and informants being terrified at such a salute, asked what was wanted, and received for answer they must be searched. Inform'ts and the said Ann Pike came out of the said carriage, and the inform't Mary Pike was then and there, on the Strand aforesaid, against her will and consent, forceably, feloniously, and without any colour of law or authority whatsoever, carried off and put into a carriage (prepared for that purpose as inform'ts believe) by said Hayes and his party, after having first cut the traces of the said Penrose's carriage. And the informant Mary Pike further saith that she was lifted into the carriage (prepared as aforesaid) by the said Hayes, and in which carriage she was drove from the said Strand to Vernon Mount aforesaid. At the avenue leading thereto informant saith she was taken out of said carriage by the said Hayes, and led into the said house called Vernon Mount, where inform't had not long continued when said Hayes brought a man dressed like a clergyman into the room where inform't was in company with two women, to inform't unknown, and said Hayes then and there, at Vernon Mount aforesaid, by threat'ing to shoot himself and such language, against the will and consent of informant, and forceably, unlawfully, and feloniously against the statute in such case made and provided, did force a ring on one of the fingers of inform't, whilst the man dressed in the habit of a clergyman (who inform't heard was a priest) read some ceremony, partly in English and partly in a language unknown to informant, but which she believes to be French, which the s'd Hayes called a marriage ceremony, on forcing of which ring on the finger of informant, informant screeched, and immediately after said Hayes drew a pistol from his pocket and flung it on a chair near him. And informant saith that during the repeating of said ceremony she never by any speech or conduct shewed any sign of consent to such a proceeding, but, on the contrary, expressed dissatisfaction at being forced from her friends, and particularly on the rings being forced on her finger drew it off and flung it from her; and inform't further saith that she was so forceably, feloniously, and against her will detained by said Hayes from the time of being put into

REWARD FOR HAYES'S ARREST.

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the carriage prepared by him from about the hour of two this morning until about the hour of ten this morning, a period of about eight hours, when she was released and brought home by her friends.

1797

22 July.

Informants severally bound to our Sovereign Lord the King in £100, laid to prosecute at the next General Assizes and General Gaol Delivery to be holden in and for the city and county of the City of Cork.*

MARY PIKE.

Cork, 22nd July, 1797.

ANNE PENROSE.

FIVE HUNDRED GUINEAS REWARD.

WHEREAS informations have been given on oath before Jasper Lucas, Esq., one of his Majesty's Justices of the Peace for the city and county of the City of Cork, against Sir Henry Browne Hayes and several others, who with force and arms feloniously stopped a carriage belonging to Cooper Penrose, Esq., of Woodhill, between the hours of one and two o'clock on the morning of Saturday, the 22nd of July inst., ordered the ladies out of the carriage, cut the traces thereof, and feloniously forced Miss Mary Pike, daughter of the late Samuel Pike, Esq., of the City of Cork, banker, from two other ladies that were with her, and put her into another carriage, and drove off with her to the house of the said Sir H. Browne Hayes, at Vernon Mount, in the South Liberties of Cork, and there detained her several hours, with an intent to force her to marry the said Sir Henry Browne Hayes. Now, I, Richard Pike, uncle to the said Mary Pike, and executor to her father, do hereby offer a reward of five hundred guineas to any person or persons that shall lodge the said Sir Henry Browne Hayes, within six calendar months, in any of his Majesty's gaols in this kingdom.

24 July.

An abduction.

Reward for offenders' capture.

* * * * *

The said Sir Henry Browne Hayes was lately a lieutenant in his Majesty's regiment of militia, commanded by Lord Doneraile, is straight-made, rather fresh-coloured, a little pock-marked, and brown hair, with remarkable whiskers; about five feet seven inches high, and about forty years old.

Description of Hayes.

RICHARD PIKE.

Cork, 24th July, 1797.

GOVERNMENT AND GENERAL ORDER.

24th July, 1797.

Parole—Hampton.

Countersign—Kensington.

A RETURN of live stock in the possession of officers, settlers, and others in the several districts to be given in as early as possible.

Live stock.

* Sir Henry Browne Hayes evaded arrest until April, 1801. On the 10th August, 1801, he was sentenced to death; but "upon some favourable circumstances being represented to us in behalf of him," his sentence was commuted by George III, on 4th September, 1801, to transportation for life. He was allowed, on arrival in the colony, to reside at a picturesque part of the harbour of Port Jackson, now known as Vaucluse. In 1812 he was pardoned and allowed to return to Ireland.

1797 The officers will forward their account to Captain Johnston, and
 24 July. the constables of the different districts will collect the account of
 the stock in possession of the settlers in their neighbourhood, and
 forward them to the above officer.* JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

25 July. 25th July, 1797.
 Parole—Clapham. Countersign—Hammersmith.
 Ground under cultivation. IN addition to the Order of yesterday, relative to a return of live
 stock, the Governor also desires that he may be informed what
 quantity of ground the officers, settlers, and others engaged in
 farming may have now sown with wheat or other grain, and what
 may be intended for maize the ensuing season.*
 The above returns to be forwarded to Captain Johnston.
 JNO. HUNTER.

26 July. Sir, Transport Office, 26th July, 1797.
 Arrival of the Britannia in England. The Britannia, 296 tons, W. Raven, master, being just
 arrived in the river from Botany Bay, we transmit to you the
 inclosed list of persons brought home in her, for the information
 of his Grace the Duke of Portland, and are, &c.,
 RUPT. GEORGE.
 AMBROSE SERLE.
 JOHN MARSH.

[Enclosure.]

LIST of Persons now victualled by Government on board the
 Britannia, transport, Wm. Raven, master, 25th July, 1797:—
 Fifteen invalids belonging to the New South Wales Corps.
 Four soldiers' wives.
 Nine do children.
 Two invalids from H.M. ship Reliance.
 Mr. Leeds, late assistant surgeon, New South Wales.
 Samuel Pritchard, from New South Wales.
 Henry Phillis, Mr. Palmer the Commissary's servant.
 Mary Love, from New South Wales.
 Three French prisoners from the Cape.
 Mr. Wheatly, ensign of 84th Regt., from do.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

14 Aug. My Lord, Sydney, New South Wales, 14th August, 1797.
 I have just receiv'd the enclosed letter from Mr. Balmain,
 the principal surgeon to the colony, and I think as he does rela-
 tive to the duty of the surgeons who arrive here in the care of
 the convicts sent to this colony. The hospital stores put on
 board for the use of the sick during the voyage are not so strictly
 accounted for as they ought to be, nor do we ever receive any

Hospital
stores for
convicts.

* See the account of live stock and cultivation, under date 19th August.—Post, p. 287.

HOSPITAL STORES.

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account of their practice, which should no doubt be delivered here as well as on their return to England. On this account it may probably be found necessary that those surgeons should with their appointments receive instructions for this purpose. 1797
14 Aug.

With Mr. Balmain's letter your Grace will receive a demand for hospital stores, which we now feel the want of, and also a return of births and deaths during the last year.*

I have, &c.,
JNO. HUNTER.

[Enclosure.]

Sir, General Hospital at Sidney, 14th August, 1797.

I take this opportunity of laying before your Excellency the inclosed list† of wants for the general hospital and other detached settlements in this colony, and as I have been careful to avoid making any unnecessary demand, I respectfully request you will be pleased to represent the propriety of our being furnished with these supplies by such conveyances as shall be judged the most speedy and convenient. Stores for
the Sydney
Hospital.

It may be proper also here to observe that it seldom happens any particular account of the surgeon's treatment of the sick on the voyage from England is given in on the ship's arrival at this port, and little or no notice taken of the expenditure of the necessaries and other articles put on board by Government for their use; and as the service is greatly injured by this neglect, I trust your Excellency will take steps to enforce the strictest attention in future to these circumstances, so highly necessary for economy as well as for the diseased individual. A lax
system.

I have, &c.,
W. BALMAIN.

UNDER SECRETARY KING TO THE TRANSPORT COMMISSIONERS.

Gentlemen, Whitehall, 18th August, 1797. 18 Aug.

The persons mentioned in the annexed list having obtained permission to become settlers in his Majesty's colony at New South Wales, I am directed by the Duke of Portland to desire that you will give the necessary directions for giving them a passage from hence in the ship now about to depart, for victualling them during the voyage, and for making such accommodations on board as you may think necessary for their convenience. Free
settlers.

I am, &c.,
JOHN KING.

List.

John Bowman, his wife, two sons, and one daughter.

Andrew McDougall, his wife, four sons, and one daughter.

John Smith, his wife, three sons, and one daughter.

* Post, p. 452

† The list is missing.

1797

19 Aug.

H.M.S.
Supply.

LIEUTENANT KENT TO SECRETARY NEPEAN.

Sir, H.M.S. Supply, Port Jackson, 19th August, 1797.

It was my intention to have sent you from the Cape of Good Hope, for the information of my Lords Commissioners of the Admiralty, a particular statement of the condition of his Majesty's armed vessel under my command; but being driven out of that bay from my anchor in a violent gale of wind a day or two before I intended to have departed, and from the badness of the weather not being able to regain it, the opportunity was lost. I have now to beg you will be pleased to lay before their Lordships the enclosed copy of a letter written by me on my arrival in this port to his Excellency Governor Hunter, by which they will see every particular relative to the Supply in her late voyage round the world. Governor Hunter will inform their Lordships of the event of a survey held on the Supply.

I have, &c.,

WM. KENT.

[Enclosure.]

Sir, Supply, Port Jackson, 16th May, 1797.

An unsea-
worthy
vessel.

It is with the deepest concern I inform you of the very decay'd state of his Majesty's armed vessel under my command. During our route between Port Jackson and Cape Horn, several of the timber heads forward having tumbled off, we had an opportunity of looking into that part of the ship, where, alas, hardly appeared an atom of sound wood.

A perilous
voyage

Well knowing your Excellency's anxiety to forward the settlement under your command, and being aware of the importance of the service on which we were employed, I declined making any application for a survey at the Cape of Good Hope, but put to sea from thence, after having taken on board the cattle, &c., in a ship apparently in the most deplorable state. On the morning of the sixth day after our departure the stern worked loose and play'd with the hadden-ends, at least half an inch down as low as the bends; at the same time every part of the sides open'd and took in considerable quantities of water, so as to oblige us to keep almost constantly pumping. Thus situated, every precaution for the safety of the ship was taken; the jibboom and spritsail yard were got in, the topgallant masts taken on deck, the bows covered all over with new canvas, tar'd, two holes were cut through the decay'd knight heads, a top chain rove through them round the stern, then brought to the bitts that secure the heel of the bowsprit, and set upon as much as it wou'd bear, after they had been backed with a seven-inch hawser to the windlass.

Notwithstanding these dreadful appearances, a knowledge of the vast extent of ocean that lay between us and Port Jackson, and the many storms we shou'd be likely to encounter at such an advanced season of the year, we still came forward, imploring the protection of the Great Author of the universe.

Our endeavours have been crowned with success. I now consider it a duty I owe the officers and seamen (whose uniform good conduct and great exertions through the whole of this truly trying voyage deserves, at least from me, the highest commendation) to pray you to order an examination into the state of the ship.

Shou'd she, upon inspection, be found unfit to perform any further service for the settlement, it will be a circumstance greatly lamented by me, because I shall no longer have it in my power to show how much I am inclined to exert myself for the service in general, and particularly for the territory under your Excellency's authority.

I have, &c.,

WM. KENT.

ACCOUNT of Live Stock and Ground under Crop in New South Wales, 19th August, 1797.

	Cattle.				Sheep.		Goats.		Swine.	Grain.				
	Mares.	Horses.	Cows.	Bulls and Oxen.	Male.	Female.	Male.	Female.		Acres in Wheat.	Acres in Barley.	Acres of Potatoes.	Acres of Vines.	Acres for Maize.
Government..	15	3	118	104	168	225	54	80	41	340	..	..	..	150
Individuals ..	43	23	77	28	585	1,479	727	1,415	4,206	3,021½	26½	11	8½	1,377
Total ..	58	26	195	132	743	1,704	781	1,495	4,247	3,361½	26½	11	8½	1,527

Live stock and cultivation.

N.B.—A considerable quantity of ground clear'd, exclusive of the above, but not yet prepared for cropping.

JNO. HUNTER.

CAPTAIN WATERHOUSE TO HIS FATHER.

My Dear Father,

Sydney, 20th August, 1797.

20 Aug.

I left the Cape, as my letters will have inform'd you, the 11th of April, and with a ship most compleatly full, having on board forty-nine head of black cattle, three mares, and one hundred and seven sheep. I believe no ship ever went to sea so much lumber'd. The passage to Port Jackson is generally made in 35 or 40 days—we were 78—one of the longest and most disagreeable passages I ever made. We met with one gale of wind, the most terrible I ever saw or heard of, expecting to go to the bottom every moment; something more than I can account for preserved us. Possible, I may be intended to be hung in the room of being drown'd. We arrived safe at Port Jackson with forty head of black cattle, three mares, and nearly two-thirds of the sheep alive, but, like camelions, they liv'd upon air part of the time—out of which, three cows, two mares, and twenty-four sheep belong'd to myself.* But our ship was so leaky when we got in that we have taken everything out of her in hopes of repairing her. Altho' at this moment there is scarcely a thing in her, and the water as smooth as a mill-pond,

State of the Reliance.

Cattle landed.

* A slight discrepancy occurs between this account and the return printed on p. 237.

1797

20 Aug.

she keeps our whole ship's company pumping from three to four hours a day. How she will be patched up I do not know; it will take near a twelvemonth, and then I shall dread going to sea in her. You may expect me here [?home] soon after that, but depend on it I shall do nothing rash.

Water-house's farm.

In consequence of having so much stock, I thought it necessary to get a farm, and found the cheapest way was to purchase one. I have therefore given one hundred and forty pounds for one, with a good house, &c., on it. I am at present so well pleased with it that I do not mean ever to part with it. Just as I was beginning to write to England a Criminal Court was ordered, which lasted five days, so that you will account for the shortness of this; but having wrote a long letter to L'd Sydney and Gov'r Phillip, I have enclosed Gov'r Phillip's to you, which having perus'd, seal it up and dispatch it. But all that is said about the colony I beg you to keep secret, for from the distracted state we are in, altho' so very conceiv'd as I have been with him, I should wish that not to transpire. Something serious will happen here shortly. Luckily for me, I am out of all partys and scrapes, and as the song says, "I am well, so I will keep." I had very great satisfaction on my arrival here, in addition to the other letters from my friends, to find a very long one from L'd Sydney, couched in the most friendly and flattering terms, desiring me to command him in any way that may be most pleasing or interesting to myself. Once there was a time had he wrote such a letter—but that is now over. I have wrote him a long answer, which most probably you will see, as he says he sees all the family. I have not said anything about promotion, as I am convinc'd he will exert himself whenever an opportunity offers. I am much pleas'd, and thank you, respecting the votes.

Distracted state of the colony.

Lord Sydney.

"Little Maria."

I am come to the more interested part. What would I not sacrifice to know of the safety of little Maria. If in England, I know she is safe and under a kind protecting hand—hope to God she is there. How anxiously I wish for a letter from England. I trust the first letter from you will inform me of her health. Should you see Major Paterson or his wife, tell them I have wrote to them, to Palmer I have not time, and to Collins less inclination.

Should any opportunity offer of your sending out articles similar to what you sent out in the trunk to me by the Ganges, I would wish to direct them to Mr. Thos. Smyth, Provost-Marshal, Sydney, only putting an account of the articles, their prices, and my name to them. Should I not be there, he will dispose of them to the best advantage.

A relative.

Some time before we sailed I rec'd a letter from you, inclosing one from Mr. Brewer, my grandfather, mentioning a relation, a Serjeant Haven, of the N. S. Wales Corps. He is here, a very decent and respectable man, and paymaster-serjeant in Captain Foveaux Company.

H. WATERHOUSE.

[Extract.]

1797

GEORGE BASS TO LIEUTENANT-COLONEL PATERSON.
(Banks Papers.)

H.M.S. Reliance, Sydney Cove, 20th August, 1797.

20 Aug.

THIS vein of coal, or at least the northernmost end of it that we could see, commences about twenty miles to the southward of Botany Bay. The land there is nearly twice the height of the north head of Port Jackson, not a steep cliff like it, but has here and there small slopes and lodgments on which trees and shrubs grow. The sea washes up so close to the foot of it that it is no more than barely passable without some danger in blowing weather. About twenty feet above the surface of the sea, and within reach of your hand as you pass along, is a vein of coal of about six or seven feet in thickness; the rock below it is slaty, but above it is of the common rockstone of the country. The vein does not lay perfectly horizontal, but goes on declining as it advances to the southward, until at the end of about two miles it becomes level with the surface of the sea, and there the lowest rock you can see when the surf retires is all coal. Here the bold high land gradually retreats back, and leaves in its front a lower sloping land, which, keeping the line of the coast, meets the sea with sandy beaches and small bluff heads alternately. In the land at the back of the beaches and in the small bluff heads we traced for about six miles along the coast four strata of coal from fifteen inches to three feet in thickness, with intermediate spaces of slaty rock of a few inches in thickness. A vein of coal.

These veins extend, I think, much further along the coast than we had an opportunity of seeing them; how far they were inland I can't tell, but it is probable they extend a considerable way, for I am much mistaken if it will not be found that the Blue Mountains wind round to this place, and of course end there. If so, this stratum of coal may possibly run through the whole range. Coals, you know, have been found washed down the Grose and Tench. A surmise.

You will find yourself assisted in forming an idea of the situation of these coals by applying to the sketch* of our excursions done by Flinders, where, in pursuing the track home of our little boat, you will find it run upon the beach near two rocky heads about half-way between Saddle Point and Providential Cove. That place is in about the middle of the two considered as one. You will perceive also in the sketch that the high mountainous land etched with a pen all the way along from the northward for a considerable way there falls back, as I have already described. Of the nature of the coal you will best judge by the specimen, which was unavoidably taken from the outside, consequently is rather injured by the weather. Access to the veins is rather difficult; there is no landing within several miles of them, except upon the little beach. Sketch by Flinders.

* This sketch is, unfortunately, missing.

1797
20 Aug. between the two rocky heads, and even there no boat ought to lay except one that can be beached. In summer, however, when the sea and land breezes are regular, and gales of wind uncommon, a boat might lay there for several days together, and, of course, in that time load a large craft, which might stand off and on in the meanwhile.

Cabbage-trees. You will be surprized to see how different the vegetation is to that about Sydney, or any other place we have ever before seen. Upon the sloping land in the front of the high bold [*sic*], I observed there several cabbage-trees nearly in resemblance a plantain but yet a true cabbage, and a fern which I can no otherwise describe than by calling it a cabbage tree fern, for it is to distant appearance a cabbage, but upon a close inspection the leaves are found to be fern, and beautiful fern. There were many trees that I am certain have never yet been known in this country; one, the most remarkably new, was about twelve feet in height, its leaves large, broad, and hairy, or rather woolly—I think their shape would be called cordate—and the smaller branches of it covered most thickly with long sharp prickles. Well I remember them, for in the blindness of my eyes I seized one of the branches and was handsomely repaid for my hasty curiosity by a handfull of them.

GEORGE BASS.

MR. CHERRY TO UNDER SECRETARY KING.

24 Aug. Sir, Victualling Office, 24th August, 1797.

Bennilong. As attorney to Governor Hunter, of New South Wales, I pray leave to present you an account of money paid by him for necessaries, &c., for the use of Benilong, a native of New South Wales, and request you will be pleased to cause payment to be made of the amount thereof, being thirty pounds eighteen shillings.

I have, &c.,

GEO. CHERRY.

GOVERNMENT AND GENERAL ORDER.

25 Aug. 25th August, 1797.

Parole—Folkestone. Countersign—Deal.

Convict servants of officers. A return of the names of the male and female servants employed by the officers, civil and military, is desired to be immediately forwarded to Captain Johnston, and the commanding officer of the troops is requested to direct a non-commissioned officer to collect the names of those who are employed amongst the military.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

28 Aug. 28th August, 1797.

Parole—Brighthelmstone. Countersign—Chichester.

Road-making suspended. The public roads being now nearly completed, and the season for cropping the ground with Indian corn not far distant, the Governor is desirous of giving the settlers as much time as possible

to attend to their private concerns; he does not, therefore, expect their assistance on the roads any longer, until it may for the general good be found necessary at some future period. After the general muster, which will very soon take place, those settlers who have so readily come forward agreeable to Public Orders and afforded their assistance will receive the provision, &c., which had been by the former Order relative to the roads promised them.

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28 Aug.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

29th August, 1797. 29 Aug.

Parole—Grant. Countersign—Certificate.

MANY of the women whose term of servitude in this colony is expired having applied to be allowed to withdraw themselves from a dependence on the public store, in order that they might be at liberty to employ their time to their own advantage, this public notice is given to inform all those women whose full time is expired that it is intended they shall in future receive certificates from the Commissary similar to those given to the men, and that the first will be issued on Monday next, the 4th of September, at the Commissary's office, in Sydney, where those intitled to them will apply.

Female expires.
JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

30th August, 1797. 30 Aug.

Parole—General. Countersign—Muster.

A general muster of all the inhabitants of the colony is intended to take place at Sydney, Parramatta, and the Hawkesbury, and to commence at each of those places on Wednesday, the 16th of September, on which day all the laboring men, whether free or otherwise, are to appear and answer to their names; on the following day (Thursday) all the settlers will be called; and on Friday the women will be mustered. It is expected that every person shall strictly attend at the store of the district in which they reside; any failure on their part will be considered as a determined disobedience of Public Orders. The person so offending will be immediately secured, and ordered to hard labor for six months, or longer, according to the degree and manner of their offence.

The surgeon will account for the sick who may be unable to attend.

A general muster.
JNO. HUNTER.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

Whitehall, 30th August, 1797.

Sir,
I have taken into consideration your letters separate of the dates mentioned in the margin.*

* 15th Aug., ante, p. 69; 20th Aug., ante, p. 75; 28th Aug., ante, p. 87; 1st Sept., ante, p. 99; 1st Sept., not available; 5th Sept., ante, p. 102; 14th Sept., ante, p. 123; 15th Sept., not available.

1797

30 Aug.

Recruiting
for the
Indian
army.

The first, with its inclosures,* relative to the requisition from the Governor and Council of Bengal to allow recruits to be raised in New South Wales for our troops in the East Indies, I have transmitted to Mr. Secretary Dundas for his sentiments upon it, with which I will acquaint you if I receive them from him before the sailing of the Barwell, transport.† I am inclined to think with you that such a mode of disposing from time to time of the most restless and unquiet persons in the colony may be of mutual service to the publick interests both in New South Wales and in the East Indies.

Lieutenant-
Governor
King.

In answer to yours of the 20th August,‡ I have to observe that Lieut.-Governor King's health, since his arrival here, is so much re-established as to give me hopes of his being able to resume his station in due time.

I trust I shall be able to send one, if not two, subaltern officers with the detachment, which will form the guard of the convicts who go by the Barwell.

A civil case.

I will refer the consideration of the proceedings of the Court of Civil Jurisdiction, inclosed in yours of the 26th of August,§ to the Attorney and Solicitor General. It is evident that every attention was duly paid by the Court to the matter before them; and I am very sorry to observe that the want of respect to the Court on the part of the defendants was equally evident. It therefore behoves the Court in all future proceedings to repress the like disposition whenever it shall appear, by immediately committing the parties, and punishing them by fine and imprisonment, according to the magnitude of their offence; for I need not point out to you how material it is to the effectual administration of justice that nothing should be suffered to pass uncensured which can tend to lessen the respect and reverence due to the persons by whom it is administered. I cannot but say that it appears to me that the proceedings were carried to a greater length than the case required, and that much extraneous matter was gone into by the parties which was wholly irrelevant to the fact in question. I mention this upon account of the effect which your first proceedings may have upon the mode of conducting the business of the Court in future. And, with that view, nothing certainly can tend so much to the true and impartial administration of justice as a strict adherence to the point at issue, and to the evidence produced by the parties, without suffering the attention of the Court to be diverted by any foreign or extraneous matter.

Commissary
Palmer.

I shall take an early opportunity of communicating with the Lords Commissioners of the Treasury on the subject of M

* Ante, pp. 2, 69.

† Post, p. 301. It will be seen that Dundas did not look upon the project with favour.

‡ Ante, p. 75.

§ Ante, p. 87. The case was that of *Boston v. Faithfull* and others. The main facts issue will be found particularised in Vol. ii, p. 339 (note).

Palmer's application, inclosed in yours of September 1st, for some further allowance or provision.

1797

30 Aug.

It certainly would be impossible for Mr. Palmer, without adequate assistance, to continue to conduct the lists of the issues from the stores in the present manner, supposing the number of convicts to be supplied from them to encrease as stated in your letter. But I trust that the convicts to be supplied from the stores will not only never exceed a certain number, but that there will be a progressive diminution in the number of those who are entitled to be victualled from the public stores; for when the settlement attains that degree of forwardness which will enable it to maintain itself in provisions, the settlers will probably be vying with each other for the possession of the convicts, so as to take into their service all those who are sent from hence as soon as they arrive.

The method of conducting the Commissariat.

As Mr. Balmain's Commission as chief surgeon to the settlement is dated the 16th August, 1796,* he is certainly entitled from that time to all the emoluments of that appointment. As to what he may be entitled to before that period I am not sufficiently informed, but I will direct an enquiry to be made into the matter.

Balmain's Commission.

You are certainly right in thinking that the proper channel of conveyance for Captain McArthur's representation† was that of the Governor, and I have not a doubt but that you would have felt it your duty to have transmitted it to me, accompanied by such observations upon it as you judged the nature of the case and the justification of your own proceeding might require. For this purpose, therefore, I now return you Captain McArthur's letter, and I will transmit you the answer I shall judge proper to return to him, when I shall have heard from you upon the subject. I have at the same time so high an opinion of your penetration and judgment as to leave no doubt upon my mind of your availing yourself of every suggestion contained in Captain McArthur's letter, which appears to you to tend to the advantage of the colony, and to the diminution of the publick expences.

Macarthur and Hunter.

PORTLAND.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

Sir, Whitehall, 31st August, 1797.

31 Aug.

I have laid before the King your letters numbered from 13 to 21 inclusive.‡

Hunter's letters.

I take this opportunity of the departure of the Barwell, transport, with three hundred convicts, to give you such answers to

* The Commission will be found on p. 70, ante.

† Ante, p. 131. See also Hunter's comments on Macarthur's action in sending his statement direct to the Duke of Portland—Ante, p. 172. Hunter replied at length to the charges made against him by Macarthur, and forwarded letters in support of his statements from several leading officers and others. See his letter to the Duke of Portland of 25th July, 1798, and its enclosures, post, pp. 418 to 446.

‡ These are the letters dated 10th August, ante, p. 64, to 20th September, ante, p. 137.

1797

31 Aug.

Baughan's
case.

them, and such further directions as his Majesty's service appears to require.

I have transmitted to his Royal Highness the Duke of York copies of number 13 and its inclosures. The conduct of the military as therein stated is of so flagrant a nature, and so directly tending to endanger the safety of your Government, that I cannot well imagine anything like a justifiable excuse for not bringing the four soldiers who were deposed against to a Court-martial, and punishing them with the utmost severity.*

The
constitution
of the N.S.
Wales
Corps.

Without entering for the present into the detail you give of the nature and description of the persons of whom the New South Wales Corps is composed, their general character is certainly an additional reason for maintaining amongst them the strictest discipline, and for enforcing the most orderly, regular, and soldierlike deportment. Their refusal of such rations as were issued to the rest of the settlement is a great aggravation of their misconduct, and I cannot think it right under such circumstances to recommend it to his Majesty to make them an allowance in lieu of short rations, which they ought to be made sensible is a mere matter of favour, and not to be yielded to representations made in the manner in which it appears by your letter they have been urged by them.

Heavy
expenses of
the colony.

As numbers 14, 15, and 18 relate to the present state and expences of the colony, I shall consider them together; and I must confess to you that I cannot observe without infinite surprise and regret the very heavy expences which have been incurred from the 1st of June, 1796, to the 31st August following which I find amount to upwards of £40,000, exclusive of the very large supplies which have been sent from hence. From this it appears that the expence of maintaining the convicts in New South Wales, without including that of the civil and military establishments of the colony or the supplies sent from hence, is more than two-thirds of what they would have been kept for in this country.

Disposing of
the convicts.

Upon a very attentive examination of the subject, I am convinced that the greatest part of this expence arises from not adhering to the original purpose for which this colony was established, and from the manner in which the convicts and public provisions are disposed of.

Your Instructions were framed with a view to recall your attention to that object, and I am confident that it cannot but be attained by a strict adherence to them.†

* See Hunter's letter to Paterson of 7th February, 1796, ante, p. 17; and Hunter's Order of the 8th and 14th February, 1796, ante, pp. 17, 18, and 19. See also Hunter's letter to Portland, 10th August, ante, p. 64.

† See clause 15 in the Royal Instructions to Hunter, Vol. II, p. 232, where he was directed to allow settlers to employ convicts on the understanding that they clothed and fed them.

You will observe that no part of the publick provisions or stores is to be applied to the benefit of the civil or military officers, or to that of any other individual of the colony, except what they themselves consume; that every convict you cloath and subsist for the sole use and benefit of the officers, or of any other individual whatever, costs Government at least £20 per annum, and consequently the allowance of thirteen convicts to each officer is an expence of £260 per annum to Government, which is to be multiplied according to the number of persons to whom that quota of convicts is allowed. Hence the expence becomes as enormous as it is unreasonable, and the publick gets nothing in return for it, because the convicts are neither cloathed nor subsisted by the produce of the farms on which they are employed; but that produce is sold to the Crown, and becomes the clear profit, or nearly so, of the civil or military officer or other individual to whom the convicts are allowed.

1797

31 Aug.

Cost of the convicts to Government.

Your general idea respecting the employment of the convicts by individuals is perfectly well-founded, provided the convicts are cloathed and maintained by the individuals who employ them; but the terms on which they have been hitherto employed totally alter the case, as the individual has all the profit, and the publick experiences nothing but loss.

Farm-labourers to be fed and clothed by their masters.

The individual should pay by his crops, at the market price, for the provisions, cloathing, and implements of husbandry which he receives from the publick store for the convicts he employs, by which a great saving would accrue to the publick, and at the same time very sufficient encouragement would be held out for the cultivation of the land.*

I see no objection to the allowance of implements, seed, and of a few convicts (to be subsisted for a limited time from the store), as an encouragement to actual resident settlers; but that principle can by no construction be made applicable to the length of time for which the civil and military officers have been indulged with the labour of thirteen convicts, who have been fed and cloathed at the publick charge long after the crops raised by them for their master were sufficient, not only for the subsistence of such convict laborers, but to leave such a surplus as would produce the master no inconsiderable profit, and I believe, should I estimate that profit at £20 a convict, it would not exceed its real amount. I am therefore of opinion that no more than two convicts, maintained at the expence of Government, should be allowed to any civil or military officer within the settlement, and that none should be allowed to any other description of persons whatever, except the Governor, who will use his own discretion in the

Encouragement to settlers.

Two convicts only to be allowed to each officer.

* Hunter did not comply with the repeated instructions he received on this point until 20th May, 1798. See his Order of that date, post, p. 384, and his letter to Portland of 25th of that month, post, p. 383.

1797 number he will chuse to employ in his own service for domestick
 21 Aug. or agricultural purposes, of which, in the account he transmits of
 them, he will distinguish the manner in which they are respectively
 employed. A circumstance which most strikingly points out the
 propriety of such a regulation, and urges the necessity of its
 immediate adoption, is the observation you make in your report
 of the live stock and land in cultivation in the hands of Govern-
 Cultivation. ment, and the officers, civil and military, which you transmit in
 your letter No. 20,* where you state that, although the land in
 cultivation belonging to the Crown is one-third more than that
 in the possession of all civil and military officers taken together,
 your weakness in publick labourers is such that the many buildings
 you are so much in want of find employment for all of them, and
 occasions all the land cleared by Government to be unemployed this
 year, while four-fifths of that which is in the hands of the civil
 and military officers are sown with wheat. I am far from meaning
 to assert that the Crown lands would have been rendered as pro-
 ductive as those in the hands of individuals by the employment of
 the same number of labourers ; but I shall insist that, at all events,
 they would have produced much more than would have been
 sufficient for the maintenance of the labourers occupied in the
 The support of Government labourers. cultivation of them, and consequently a saving would have been
 made in favour of the publick by keeping down the price of corn,
 and thereby holding out encouragement for the encrease of the
 quantity of live stock. I have entered the more particularly into
 the detail of this subject, not only because it is the principal
 feature of that part of your correspondence which is now before
 me, but because it calls for such a radical reform as may effect a
 system of real and substantial economy, and confine the issues
 from the stores, both in quantity and method, within such bounds
 as may prevent the extravagance and abuses which have attended
 their delivery.

The
Provost-
Marshal.

His Majesty is pleased to approve of your recommendation of
 Mr. Thomas Smyth to be Provost-Marshal in the room of Henry
 Brewer, and I have accordingly directed his Commission to be
 made out. I shall recommend in the next year's estimate an
 allowance to be made to Mr. J. Drummond, who has been ap-
 pointed to act as beach-master in Norfolk Island ; and the inten-
 tion I signified to you in my letter of the 11th August, 1796, of
 recommending an additional deputy commissary and two addi-
 tional storekeepers to be provided for, has been fulfilled, as you
 will see by the within estimate, which I now transmit for your
 information and direction.

Chartering
the
Britannia.

I must not omit to observe to you that the chartering the
 Britannia (as stated in No. 17)† for the purpose of bringing home

* Ante, p. 99.

† See Hunter's letter of 27th August, 1796, ante, p. 89.

the civil and military officers and the invalid soldiers you mention is a measure by which it appears to me that the publick has been put to a greater expence than the occasion warranted. It is not usual to pay the expences of officers of the Crown who return home; but granting that, in so remote a colony as New South Wales this rule will admit of some relaxation. The proper mode of doing it would have been to have taken a passage home for the invalids in any ship, and to have made an allowance for their passage to those officers only whose state of health required their return to England.

1797

31 Aug.

By the supply of provisions purchased from an American vessel, as stated in your letter No. 19,* and the very large quantities sent out in the Prince of Wales and Sylph, transports, together with the provisions in store, such a depôt must have been formed as must be quite sufficient for the use of the colony untill the spring of the year 1799, or thereabouts, and by that time I should hope the live stock of the colony will amount to such a number as to make a material diminution of the quantity of salt provisions which it may be necessary to send from hence.

Provisions.

With respect to the want of artificers, as stated in No. 21,† I will endeavour to send as many convicts of that description by the present opportunity as possible.

Artificers.

I should recommend it to you to place under the artificers you have those convicts whose behaviour and abilities render them most deserving of attention, and who, by means of encouragement held out to them, may soon render themselves tolerably expert in the several trades they apply to.

You will receive by this opportunity the several articles contained in the list inclosed,‡ with the prime cost of each added thereto, and you are to distribute them to such individuals as you shall judge proper at the price so specified, in return for which you will take grain or live stock to the amount of the value of the articles, according to the price annexed; you will not fail to do the same with respect to such articles as remain in store, in all cases, except where they are applied to publick purposes or given as an encouragement to new settlers. This will relieve the colony from a considerable degree of expence, and will at the same time be the means of furnishing the laborious and industrious individuals with such articles as they may want at the lowest possible price. I must add that it appears to me that the price paid as well for grain as for pork received into store has been considerably higher than it ought to have been.

Articles for sale.

I cannot conclude this letter without repeating to you the necessity my duty pointed out to me of calling your most serious

Necessity for economy.

* Hunter to Portland, 2nd September, 1796, ante, p. 101.

† Hunter to Portland, 20th September, 1796, ante, p. 137.

‡ This enclosure is not available.

1797 attention to the correction of that fundamental and destructive error by which the public expences of your Government have grown to such enormous bulk.

31 Aug.

But I rely with confidence on your immediate and most effectual endeavours to restrain them in future within the narrowest limits, and to prevent, as far as human foresight can enable you, the possibility of future excess.

PORTLAND.

SECRETARY NEPEAN TO THE WAR OFFICE.

11 Sept.

Sir,

11th September, 1797.

Corporal
punishment
and life-
service.

John McGinnis, a private marine of the Plymouth Division, having been tried at a General Court-martial for mutiny and sedition, and sentenced to receive 1,000 lashes and to serve for life in the New South Wales Corps, and Major-Gen'l Bowater, commanding the said division, having represented to my Lords Comm's of the Adm'ty that the man has received the whole of his corporal punishment,* I am commanded by their Lordships to acquaint you therewith, and to request you will please to give the necessary directions for the man's being received into the New South Wales Corps, in order that the sentence of the said Court-martial may be fully carried into effect.

I am, &c.,

EVAN NEPEAN.

GOVERNMENT AND GENERAL ORDER.

18 Sept.

18th September, 1797.

Parole—Cork.

Countersign—Waterford.

Rates of
wages.

In consequence of complaints from the settlers in different parts of the colony relative to the great expence they are at in giving very high wages to hired servants, the Governor, by an Order issued on the 14th of January last,† directed that the settlers in the different districts should hold quarterly meetings amongst themselves for the purpose of establishing the rate of wages for all the different kinds of labour. This Order has been attended to in one instance only, no meetings having been held for this necessary purpose since the first, when each district reported their opinion, and the Governor published on the 10th of March‡ a table of the rates to be paid by the settlers to their laborers. But as the same cause of complaint still exists, it is clear that the settlers have not strictly complied with that useful regulation. His Excellency therefore informs all those who are engaged in farming that it will be impossible for him to remove the grievances of which they complain unless they are strictly attentive to the regulations which are from time to time established for their good, and that he expects them

Inattentive
settlers.

* It is evident from the severity of the punishment inflicted on this man that the excessive use of the lash, one hundred years ago, was not confined to convict settlements. The latter part of this sentence (relative to service in the New South Wales Corps) was not carried into effect.—Post, p. 519.

† Ante, p. 189.

‡ Ante, p. 197.

meetings, which he had recommended, be more particularly attended to hereafter, and their purpose be more strictly adher'd to. This becomes the more necessary as the price of grain cannot continue much longer to be so very high as it at present is.

1797

18 Sept.

Every general muster which takes place convinces the Governor more and more of the necessity of those musters being frequently repeated to prevent the impositions which are so often practis'd upon Government; and altho' he is at all times well disposed to encourage the industrious farmer, he nevertheless finds it necessary to inform the settlers generally that, as they all know the terms upon which they have been allowed to settle, he is surprised to find so many complain of their want of ability to provide for themselves and families, after having been victualled and cloathed at the expence of Government for eighteen months, which is six months longer than was at first intended. He trusts that the justice and necessity of depriving them at the expiration of that time of those indulgencies will show them the necessity of being prepar'd, and serve as a spur to sobriety and industry, which if they attend strictly to they cannot fail to prosper and be happy.

Necessity for
general
musters.

JOHN HUNTER.

CAPTAIN HOGAN* TO THE DUKE OF PORTLAND.

My Lord Duke,

London, 23rd September, 1797.

23 Sept.

Knowing the great advantage to be derived by Government sending a large quantity of cattle to the colony of New South Wales as early as possible, knowing also that Government are building ships for that purpose, which cannot accomplish the object in less than eighteen months, and then at enormous expence, I am induced to hope your Grace will excuse the liberty I take in submitting the following proposal to your consideration:—

Live stock.

My object is not gain from Government; should it tend to promote the publick good it will be sufficient recompence for any personal trouble I may have in it; but should your Grace be pleased to approve, I shall hope that you will direct a letter to be written from your office to the Court of Directors of the East India Company, stating that the ship Marquis Cornwallis, of six hundred and fifty-four tons register, is employed by Government on particular service from the Cape of Good Hope to New South Wales, and request them to give her a cargo home from China on the same terms as the Barwell, which is employed by the Transport Board to carry out convicts.

A dis-
interested
captain.

Reference to the amount of the cattle and fodder from the Cape of Good Hope, in his Majesty's ships Reliance and Supply, will

* Captain Hogan, master of the transport Marquis Cornwallis, when at Sydney in 1796 had purchased a farm at the Hawkesbury, and, leaving some of his crew in charge with live stock, tools, and assigned convict servants, had returned to England evidently in the hope of employment such as he solicits in this letter.—Hunter to Under Secretary King, 30th April, 1796, ante, p. 44.

1797 shew your Grace that there is nothing to be expected in favour of the ship from the following statement.

23 Sept.

I think my ship would stow one hundred and forty head of horned cattle.

Statement
of the cost of
live stock.

STATEMENT.

£ s. d.

140 head prime cattle on board at the Cape, fodder (i.e., hay, barley, oats, wheat, and bran) inclusive, at £20 p. head	2,800	0	0
140 leagars to hold water for the above, @ £4 ea. ...	560	0	0
10 men to attend the cattle, exclusive of ship's compy., at £2 10s. p. mo., for 12 mos. ...	300	0	0
20 p. cent. deaths and accidents on the above number of cattle on the voyage, at least ...	560	0	0

£4,220 0 0

Insurance from Cape to Port Jackson on £4,220, @ 6 p.c. ...

253 4 0

Do. on block of ship, value £1,500, @ 4 p. cent. ...

600 0 0

Total £5,073 4 0

Hogan's
terms.

Should 140 head land alive and well at New South Wales, at £35 p. head, at which I would agree to carry them—£4,900.

Altho' there appears a loss upon my proposal by a fair statement, I would readily agree to it, on condition of getting the Company's freight home, and would only require from Government one thousand pounds in advance, and put it in practice immediately. The ship has already a small freight from the Transport Board to the Cape.

The amount of the cattle to be paid on my agents producing the Governor's receipt at your office, without any risk or expence whatever to Government, except the thirty-five pounds per head for all that is landed at New South Wales. I trust your Grace will be pleased to take it into consideration, and favor me with an answer when convenient.

I am, &c.,

MICHAEL HOGAN.

THE TRANSPORT COMMISSIONERS TO THE HON. CHARLES GREVILLE.

26 Sept.

Sir,

Transport Office, 26th September, 1797.

The
Transport
Commis-
sioners'
Report.

We have received your letter of the 23rd instant, inclosing to us, by direction of his Grace the Duke of Portland, a proposal from Captain Hogan, of the ship Marquis Cornwallis, for supplying the colony of New South Wales with cattle, and desiring our opinion thereupon, and we request you to inform his Grace that we have duly considered the said proposal, and, upon the whole, are inclined to believe that the price and freight of £35 per head for cattle from the Cape of Good Hope, and actually delivered at New South Wales, is not unreasonable. We return the original letter, and are, &c.,*

RUPT. GEORGE
AMBROSE SERLE.

JOHN SCHANK.
WM. AY. OTWAY.

* Notwithstanding this endorsement of the Transport Commissioners, Captain Hogan's offer was not acted upon.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

1797

Sir, Whitehall, — September, 1797.

— Sept.

I inclose you a list of convicts which go by this conveyance, with the original contracts entered into by _____, * the owner of the Barwell, for their safe delivery in New South Wales, together with his Majesty's Order in Council for the transportation of those convicts whose sentences required such order. I also transmit to you a list of those convicts who are artificers, and concerning whom I refer you to my letter of the 31st ult., † and also a list of the several articles for the settlement sent in the Barwell, with the prime cost opposite to each article. With respect to the manner and the terms on which these articles are to be disposed of, I have only to refer you to my letter above mentioned.

Lists of convicts.

You will also receive in a separate cover the plan of a corn-mill, with the books mentioned in the margin. ‡ The under-mentioned persons, who are carpenters, but who have lately been attending to the building and construction of corn-mills, go as settlers by this conveyance, on the terms specified in Lieut-Gov'r. King's letter to you, which is inclosed.

A corn-mill.

Since writing my letter to you of the 30th ult., I have received Mr. Dundas's sentiments with respect to permitting recruits for our forces in India to be raised in New South Wales; and as it is conceived that upon the whole the inconveniences of such a plan would more than counterbalance its advantages, you will signify to the Presidency at Bengal that such permission cannot be granted. §

Recruiting for the Indian army.

PORTLAND.

GOVERNMENT AND GENERAL ORDER.

7th October, 1797.

7 Oct.

Parole—Solebay.

Countersign—Yarmouth.

The Commissary is directed to issue, on Saturday next, to such of the women and children as are intitled, such sloop cloathing as the present state of the public store can afford; and such men as have fully completed their term of servitude in this country are hereby informed that certificates will be granted them at the Commissary's office, in Sydney, on Friday next, the 13th instant.

Clothing for women and children.

JNO. HUNTER.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

Sir,

London, 7th October, 1797.

I received your note, with the enclosures, and saw Mr. King on the subject, who entirely agrees with your ideas on the

Blank in MS.

† Ante, p. 297.

‡ The margin is blank.

The enclosures to this despatch are missing. Concerning the terms of settlement, see pp. 366, 410, 411.

1797
7 Oct.
Settlers.

propriety of sending out settlers. The first three men who applied are now on board the *Barwell*, with their familys, amounting to eighteen people. As they proposed a capacity to make themselves useful in constructing mills, Government has supplied them with books and plans to go by ; and as they were peculiarly situated, I also obtained for each family £20, to fit them and pay their debts, also £5 each on their passage ; and from the character of these people I do not doubt but a reciprocal advantage will be obtained both by them and by Government.

A free
passage.

King in
London.

His position
in the
service.

Vessels for
the Colonial
station.

Respecting those who are now the subject of application, Mr. K.* has authorised me to settle that arrangement, but does not wish any more money to be advanced as to the first three. None to go but those with familys, and of good character, and to be given fully to understand that all they are to expect from Government is a free passage out, to have a grant of land, to be supported twelve months from the stores, and to have the labour of two convicts assigned them for that time, after which period they are to maintain themselves. This, you will see, puts a stop to any money being given them, as to the first three settlers. I left my family in the west last week. I came to town with an intention of being relieved from the very uncertain state of suspense I have been in for this some time past. I wish I could say that I was at all assured of what my future motions are to be ; but everything has been, and will be, done by the department with whom I am connected ; but that which I belong to—and which I alone wish to be considered by—seems to look upon me as an alien. This, I must confess, hurts me not a little, exclusive of the anxiety it occasions me on account of my family ; but patience, I hope, will work a certainty in my favor. Indeed, my dear sir, I sometimes think most seriously of resigning my Lieut.-Government, and throwing myself on the Admiralty. If I can get employed, and endeavour to merit my rank, it will be well ; if not, I must go into Wales or Cornwall, and take up my spade. This, I fear, will be the case, as I cannot help saying that from the advanced situation I am in on the list of commanders, I look upon it some professional disgrace is attached to those who are of such standing.

I beg your pardon for thus troubling you with my concerns ; but I know your goodness and humanity will excuse that and many other liberties that are daily taken with you, and which your philanthropy and urbanity has drawn on you. The ships to relieve the *Reliance* and *Supply* are not yet launched. When they are, and commissioned by the Admiralty, I shall know my doom. But, in confidence, I was told by one great man that another had said that he did not see any objection to my getting the step in those ships, but that he apprehended a professional objection from the circumstance of my having been so long in

* John King, Under Secretary of the Home Department.

what is called a civil service ; but if it is so, why require the services of a naval officer on it ? On this my pretensions and success will hang.

1797
7 Oct.

Having had some business the other day with Mr. Rose, I mentioned the circumstance about Gordon's charts, &c., which he had so far forgotten that he scarcely remembered the application that had been made to him, and expressed much concern that the then pressure of public affairs made him not pay that attention to it which the subject appeared to deserve ; and after expressing a great desire to obtain them, I informed [him] that the charts and drawings of natural history were in a box under Captain Riou's charge. He wished me to introduce Captain Riou to him, which I did the next day, and after much conversation the result was that Riou was to write to Mrs. G. as from himself, and to ask her what she valued the charts, &c., at ; and that if the sum was anyways reasonable, Government would make the purchase.

King and
the Under
Secretary
of the
Treasury.

I beg my best respects to Lady Banks, and am, &c.,

PHILIP GIDLEY KING.

I shall leave town next Thursday, but if you have any commands, a letter will find me directed to James Sykes, Esq., 22, Arundel-street, who is my agent.

GOVERNMENT AND GENERAL ORDER.*

9th October, 1797.

9 Oct.

Parole—Justice

Countersign—Truth.

THE many boats which have been permitted to be built for the convenience and accommodation of various descriptions of people within this settlement having frequently been employed in carrying on a traffic which has been repeatedly forbidden in Public Orders, as well as having been but too frequently laid up in situations from which they could with ease be removed undiscovered, many idle, worthless, and ignorant persons have been encouraged by this carelessness and want of attention to the security of their boats to meditate an escape from the colony, and from an intire ignorance of the dangers to which they expose their lives in such miserable vessels they have ventured to sea, from which it is more than probable they will never return to any shore whatever. The Governor, as well from motives of humanity and a concern for the life of a fellow-creature, as from a duty he owes to the public concerns of this colony, considers it proper, in order to prevent any unneces-

Boat-
building.

Escapees.

* This Order was published in consequence of a number of convicts having seized a boat at Parramatta, on the night of the 2nd October, and succeeded in making their escape from the harbour. It was surmised that the boat, which Collins described as a very bad one, had foundered at sea ; but three months after their escape the fugitives stole two boats from the Hawkesbury, in the larger of which they were supposed to have sailed northward. In March following, however, they forwarded to Hunter a request for pardon and an offer to give themselves up ; but as it was suspected that they had for some time been infesting the Hawkesbury, they were placed upon their trial for piracy, and two of them executed.

1797

9 Oct.

Boat-
building
forbidden.

sary applications, strictly to forbid hereafter the building of any boats whatever for the use of private persons, and to inform the persons who are now in possession of such boats as are capable of passing between this harbor and the Hawkesbury River, as well as smaller boats which may be employed within the harbor, that as it is His Excellency's intention to direct some trusty persons constantly to inspect the manner in which boats are laid up on shore, or are secured afloat, if any are found with oars, masts, sails, or rudders in them, when laid up for the night, or these materials not properly secured in the dwelling of the owner, he will direct that such boats be immediately scuttled and sunk, or laid on shore and burnt. And if any boats are found without a number on their stern, or are not registered in the list kept by the Provost-Marshal, they shall be destroyed.* No person whatever, except the officers, civil and military, shall be at liberty to send boats to the Hawkesbury or to Botany Bay without a pass from the Governor or officer commanding the military, or from Captain George Johnston or officiating magistrates. The persons applying are to give an account of their business, and to deliver a list of their boat's crew, before they obtain such permission.

Registering
boats.

Regulations.

They are also (if going to the Hawkesbury) to show their passes to the commanding officer there, who will be directed to seize them if without. The centinels on the wharfs and other places where boats pass will be directed to call all boats which may attempt to move in the night to their post, and to produce their authority for moving such boat. All persons are hereby informed that unless they strictly comply with these Orders they will be liable to be fired at, as well by the centinels as by His Majesty's ships and vessels, who have each of them similar instructions. Those persons who have been at some expence in providing boats for their own benefit and accommodation are hereby informed that if they do not pay proper attention to this Order their boats will be ordered to be laid up on shore, and never after permitted to be launched again.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

14 Oct.

14th October, 1797.

Parole—Traced.

Countersign—Dangerous.

Forgeries.

THE different forgeries which have lately been committed within this colony, and the means which have been used to prevent an discovery of the principal persons concerned in so dangerous and inequitable a practice, renders it necessary that some public notice be taken of so heinous an offence against the laws of this and of every other country, and as the person last convicted of this dangerous crime, and who received sentence of death for the same, appears to be ignorant of the danger to which he was exposing his life, by an attempt to utter or pass such forgery: The Governor

* Ante, p. 60.

has judged it proper to give out this paper as a caution to those who for want of a sufficient knowledge of the criminality of this dangerous practice are too frequently made the tools or instruments of those who are more deeply skilled in such villainous transactions. Those who can neither write nor read, it has been observ'd, are frequently chosen as the fittest persons to be employ'd on such infamous purposes as the uttering or passing those forgeries, and the principals have contrived to remain undiscovered. If there are any in the colony who are really so very ignorant, they are hereby cautioned to be careful how they suffer themselves to be led astray by those who, more experienced in every infamous transaction, feel little concern for the danger to which they expose those who suffer themselves to be govern'd by such council; or if there are any who are either so abandon'd or so thoughtless and incautious as not to be aware of the deep designs of their more wicked and more knowing companions, they are hereby informed that the person who shall be convicted of uttering or passing any bill or paper, knowing it to be a forgery, with design to defraud any other person, will be as liable to receive sentence of death as the person who may have forged it. The Governor earnestly hopes that this paper, which is chiefly intended as a caution to those who may be unacquainted with the enormity and dangerous consequences of such a crime, may have the effect it is designed to produce; and it is meant farther to assure them that altho' pardon has been upon more occasions than the present extended to criminals of this description, they must not deceive themselves with an expectation that such mercy in such cases will continue to be shewn—no, the law shall take its course, and justice be satisfied.

1797

14 Oct.

Circulating
forged
papers.

A caution
to the
ignorant.

No mercy to
offenders.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

28th October, 1797.

28 Oct.

Parole—Avoid.

Countersign—Infamy.

THE last Court of Criminal Judicature which was assembled having upon the most clear and full evidence found ———, ———, and ——— guilty of that shocking and most heinous of crimes wilful and corrupt perjury, they will this day suffer a part of the sentence which the law directs to be inflicted upon criminals of so dangerous a description.

Perjury.

The Governor has thought proper to mention this circumstance in this public manner in order that it may serve as a caution to those who may, either from real or pretended ignorance, be led or advised to the commission of a crime so certainly ruinous to both their temporal and eternal welfare. The Governor thinks it also necessary to say that, as he has had frequent occasion to think, this horrid practice has been but too frequently resorted to in this

Prevalence
of the
practice.

1797

28 Oct.

colony for the worst of all purposes—that of screening guilty persons from those punishments which our excellent laws direct to be inflicted on offenders. He is determined, wherever there is an appearance of any evidence having so far lost all concern for the danger to which he exposes both his soul and body as to attempt to mislead the judgement of a Court by having recourse to false evidence, he will exert every just means of bringing him to punishment.

Infamous
for life.

His Excellency trusts that, as every man convicted of this dangerous breach of the law is thereby rendered infamous as long as he lives, that no man who has a character to lose will associate with such criminals least he endangers his own reputation, and be considered as a voluntary approver and partaker in the infamy.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

2 Nov.

2nd November, 1797.

Parole—Promises.

Countersign—Perform.

Ration of
wheat
reduced.

THE great quantity of wheat which has long been issued, not only as bread, but as a substitute for some other articles, together with the disappointment experienced by the public granary in the not receiving those quantities which had been reported to be ready for delivery when called for, has rendered it necessary to reduce the weekly ration of that article to *nine pounds* p'r man, whether free or convict, and proportionably to women and children.

The Governor, desirous of being perfectly understood, thinks it proper upon this occasion to say that those who may have thought it right, from whatever motive in this instance, to disappoint Government, he hopes will in future have no occasion in any way to solicit its aid for their own accommodation.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

6 Nov.

6th November, 1797.

Parole—Diligence.

Countersign—Recommends.

An
attempted
escape.

THE Governor hopes that what he has had occasion to say this day to those ignorant and infatuated people who were detected* in an attempt to escape from the colony may have its effect upon others, and prevent schemes which, taken in any point of view, are ever pregnant with infinite danger.

* The incident referred to is thus described by Collins (vol. ii, p. 58):—"The facility with which the seizure of the Cumberland had been accomplished, and the subsequent escape of two parties of convicts, induced fourteen others to form a plan for taking away a boat and making a similar attempt at liberty. Having made a depot of all the stores which they meant to carry with them, at a place convenient for their purpose, the night was fixed for their departure, and they were on the point of embarking when to their great surprise they found themselves surrounded by a party of magistrates and constables armed, who took them and their property into custody." On the following day they were severely punished, and sent up to Parramatta to hard labour.

Ignorant of the danger to which their lives are exposed upon the ocean in a miserable boat, ignorant of the risk which attends them if taken in the attempt, and ignorant of the deep and wicked designs of those who pretend to a greater share of wisdom, a few simple and ill-informed people have been led into those ill-concerted plans, in which it will but too often be found that the sacrifice of those few who are thought of less consequence to the general plan, or are less capable of rendering themselves useful when embarked, is a part of the main design. If near the land, they are forced on shore amongst a savage people, when death is inevitable; or, if at sea, thrown overboard to lighten their miserable vessel, and prevent, if possible, her foundering. Let those who are invited to such mad and inconsiderate undertakings reflect upon these things, and they will easily discover the risk attending such wicked and ill-judged enterprises.

1797
6 Nov.

The folly
of such
attempts.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

11th November, 1797.

11 Nov.

Parole—Leadenhall.

Countersign—Bishopsgate.

THE time for the election of constables* to serve for the ensuing year being arrived, the Governor desires that the inhabitants of the different town and country districts do meet immediately and proceed to the choice of those men whom they are desirous should take upon them that office in their respective districts for the next twelve months, and make their return of the names so chosen to the magistrates by Wednesday, ye 15th instant.

Election of
constables.

JNO. HUNTER.

GOVERNOR HUNTER TO SECRETARY NEPEAN.

Sir, Sydney, New South Wales, 19th Nov., 1797.

19 Nov.

Having in my letter of August last† written you, for the information of their Lordships, an account of the very decay'd state of his Majesty's ship the Supply, and her consequent condemnation, I have now the additional concern of requesting you will be pleas'd to lay before their Lordships the enclos'd report of a survey which, in consequence of the feeble and leaky state of the Reliance, I had found it necessary to direct might be held upon her defects. She return'd from the Cape to this port, as the Supply had done, with her pumps going. I have, as well as our intire deficiency of every article of naval stores would admit, hove down the Reliance, and found that several of her butts in the guard-board streak were intirely destitute of oakham, and that there is much reason to believe from her weak condition that she will be frequently liable to spring leaks of this nature. I

Unseaworthy
condition
of the
Reliance.

* Ante, pp. 165, 182; post, pp. 480, 513.

† The letter in which Hunter reported the unseaworthy condition of H.M.S. Supply was dated 10th July, 1797.—Ante, p. 278.

1797 mean, however, to give her, by a complete set of riders fore and
 19 Nov. aft, as much strength as possible. My chief anxiety proceeds
 from the disappointment of her services for the present season,
 and the intire loss of those of the Supply, the fittest ship of the
 two for this service.

Naval stores. I know it to be improper in this way to request a supply of
 naval stores for the use of our floating craft in this colony, and
 that my application shou'd be to his Majesty's Secretary of State;
 but I am apprehensive a multiplicity of business of more imme-
 diate importance, and the being less acquainted with the nature of
 that distress which the want of such indispensable necessities occa-
 sions, my applications already made may have been overlook'd.

I have, &c.,
 JNO. HUNTER.

[Enclosure.]

SURVEY OF RELIANCE.

In pursuance of an order from John Hunter, Esqr., first captain
 of his Majesty's ship Reliance, &c., &c., &c.,—

Survey
 of the
 Reliance.

WE whose names are hereunto subscribed, having taken a strict
 and careful survey on his Majesty's ship Reliance, do find as
 follows:—

The hull being in a weak and feeble state it is necessary to
 have riders fore and aft, and standers between the riders to each
 deck, additional bolts to the brest-hooks and transoms where they
 can be got in, some hanging knees in the after part of the quarter-
 deck to support the stern.

The topside waterways timber head stantions, &c., in want
 caulking; one of the beams in the fore cockpit sprung and in
 want of securing. After the whole of the shipwright's work is
 compleated to have her compleatly caulked.

A leak close to the keel in the garboard streak on the larboard
 side, which will render it necessary to have the ship hove down.

The plank sheer so much split and decayed, together with the
 quarter-deck stantions, that it is necessary the whole of the plank
 sheer and those stantions should be replaced with new ones.

Until the plank sheer is taken off we are unable to ascertain
 whether the waterways are fit to remain in the ship.

THOS. MOORE.
 JNO. COLDWELL.
 WILLIAM STEVENSON.
 ROBERT SCOTT.

CAPTAIN KENT TO SECRETARY NEPEAN.

Supply, Port Jackson, New South Wales,

Sir,

19th November, 1797.

I beg you will inform my Lords Commissioners of the
 Admiralty, on the first of July last, by permission of his Excellency

meetings, which he had recommended, be more particularly attended to hereafter, and their purpose be more strictly adher'd to. This becomes the more necessary as the price of grain cannot continue much longer to be so very high as it at present is.

1797
18 Sept.

Every general muster which takes place convinces the Governor more and more of the necessity of those musters being frequently repeated to prevent the impositions which are so often practis'd upon Government; and altho' he is at all times well disposed to encourage the industrious farmer, he nevertheless finds it necessary to inform the settlers generally that, as they all know the terms upon which they have been allowed to settle, he is surprised to find so many complain of their want of ability to provide for themselves and families, after having been victualled and clothed at the expence of Government for eighteen months, which is six months longer than was at first intended. He trusts that the justice and necessity of depriving them at the expiration of that time of those indulgencies will show them the necessity of being prepar'd, and serve as a spur to sobriety and industry, which if they attend strictly to they cannot fail to prosper and be happy.

Necessity for
general
musters.

JOHN HUNTER.

CAPTAIN HOGAN* TO THE DUKE OF PORTLAND.

My Lord Duke,

London, 23rd September, 1797.

23 Sept.

Knowing the great advantage to be derived by Government sending a large quantity of cattle to the colony of New South Wales as early as possible, knowing also that Government are building ships for that purpose, which cannot accomplish the object in less than eighteen months, and then at enormous expence, I am induced to hope your Grace will excuse the liberty I take in submitting the following proposal to your consideration :—

Live stock.

My object is not gain from Government; should it tend to promote the publick good it will be sufficient recompence for any personal trouble I may have in it; but should your Grace be pleased to approve, I shall hope that you will direct a letter to be written from your office to the Court of Directors of the East India Company, stating that the ship Marquis Cornwallis, of six hundred and fifty-four tons register, is employed by Government on particular service from the Cape of Good Hope to New South Wales, and request them to give her a cargo home from China on the same terms as the Barwell, which is employed by the Transport Board to carry out convicts.

A dis-
interested
captain.

Reference to the amount of the cattle and fodder from the Cape of Good Hope, in his Majesty's ships Reliance and Supply, will

* Captain Hogan, master of the transport Marquis Cornwallis, when at Sydney in 1796 had purchased a farm at the Hawkesbury, and, leaving some of his crew in charge with live stock, tools, and assigned convict servants, had returned to England evidently in the hope of employment such as he solicits in this letter.—Hunter to Under Secretary King, 30th April, 1796, ante, p. 44.

1797 them, be liable also to be fired at if white men are seen amongst
24 Nov. them. This caution to the natives may be conveyed to them by
 such of their countrymen as live amongst us, and may prevent
 their suffering those vagabonds from continuing amongst them,
 to the danger of the loss of life to many inoffensive people.

JNO. HUNTER.

JUDGE-ADVOCATE COLLINS TO THE DUKE OF PORTLAND.

29 Nov. My Lord, No. 6, Poland-street, 29th November, 1797.

Collins
willing to
return.

Since I had the honour of a conference with your Grace, I
have seriously weighed the tendency of your question respecting
my objection to climate. I now beg leave to assure your Grace the
consideration of climate shall not interfere with my accepting such
a situation as you may be pleased to think my long, and I trust
I may be permitted to say, faithful services, have merited, in a
country where little more than dangers and hardships have been
my reward.

Would
prefer to
remain in
England.

I must at the same time acknowledge that as I have been so
many years exiled from my country and dearest connexions, I
should greatly prefer an employment in England; but if such
cannot be my good fortune, I must submit and throw myself upon
your Grace's goodness for sending me abroad in such a manner as
may in some measure repay me for the loss of my so lately-regained
happiness, as well as that I sustain from being deprived of my
rank in the Marine Corps, with several other unlucky circum-
stances which my unfortunate detention in New South Wales
occasioned.

I shall not longer intrude upon your Grace's valuable time than
to assure you that whatever employment you may hold me worthy
of shall be discharged with the most unremitted attention to the
interest of my Sovereign and credit to your patronage.

I have, &c.,

DAVID COLLINS.

30 Nov. STATE of the Settlement on Norfolk Island, November 30th, 1797-

Civil.	Civil Department.					
	Lieutenant-Governor of Norfolk		Superintendants, Storekeepers,			
	Island	1	&c.		4	
	Deputy Judge-Advocate	1	Women		1	
	Deputy Provost-Marshal	1	Children above 10 years old		2	
	Assistant Surgeon	1	Children above 2 years old		4	
	Deputy Commissary	1	Children under 2 years old		1	
Military.	Military Department.					
	Captain Commandant	1	Privates		88	
	Lieutenants	1	Women		2	
	Ensigns	3	Children above 10 years old		1	
	Serjeants	2	Children above 2 years old		4	
	Corporals	2	Children under 2 years old		2	
	Drummers	2				

NORFOLK ISLAND.

311

STATE of the Settlement on Norfolk Island, Nov. 30—*contd.* 1797

People not Victualled from the Public Stores.

30 Nov.

Men	159	Children above 2 years old ...	31	Free people.
Women	55	Children under 2 years old ...	19	
Children above 10 years old ...	2			

Free People.

Men	33	Children	10
Women	3		

Settlers from

Free People	17	Convicts	45
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Emancipated.

Men	18	Women	9
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Convicts.

Convicts.

Men	335	Children above 2 years old ...	115
Women	151	Children under 2 years old ...	49
Children above 10 years old ...	13		

Numbers on the different Rations.

Whole	357	Number victualled from the	
Two-thirds	120	Stores	609
Half	97	Whole number at Full Ration	495
Quarter	35	Number in the Settlement	875

Weeks Provisions in the Stores at the Established Ration.

Flour, 0 ; maize, 0	0	Pease	0
Beef	14	Sugar	0
Pork	18		

ZACHE. CLARK, Depy. Commissary.

RETURN of Stock, public and private, on Norfolk Island, 30th November, 1797.

	Bulls.	Cows.	Horses.	Mares.	Asses.		Sheep.	Goats.	Swine.	Live stock.
					Male.	Female.				
Government's on Norfolk Island	5	2	..	..	4	4	29	28	40	
Do on Phillip Island ....	..	..	..	..	..	..	..	..	Unknown.	
Civil and Military .....	..	..	2	2	..	..	24	126	266	
Settlers, Landholders, Free men, &c. ....	..	..	..	..	..	..	126	175	3,772	
Lieutenant-Governor King's .....	..	..	..	..	..	..	94	123	....
	5	2	2	2	4	4	273	452	4,078	

1797

GOVERNMENT AND GENERAL ORDER.

2 Dec.

2nd December, 1797.

Parole—Preserve.

Countersign—Stock.

A public
nuisance.Destructive
to live stock.

THE great number of useless dogs which the people in and about the town of Sydney have thought proper to rear have now become a public nuisance, and as the many complaints which have been made to the Governor of the mischiefs they are daily committing renders it necessary that some notice be taken of them, the inhabitants are hereby informed that they are not to rear more of those animals than may be necessary for the protection of their dwellings and gardens, and that they are to be careful to keep them at home for that purpose, as they will be liable to pay for all the injury they commit upon the live stock of others, which it has been observed they have of late destroyed considerable quantities of, particularly poultry and goats. If they are at any time seen pursuing stock of any kind, except when it may be necessary to hunt them out of gardens or other enclosures, those who may discover them are hereby enjoined to shoot or otherwise destroy them; and, if possible, to discover their owner, in order that the sufferer may, by the decision of a magistrate, recover damages.

JNO. HUNTER.

THE DISCOVERY OF BASS STRAIT.

3 Dec.

MR. BASS'S* JOURNAL in the Whaleboat, between the 3rd of December, 1797, and the 25th of February, 1798.

[Printed from a manuscript in the possession of the Hon. P. G. King—
M.L.C.]

The start.

Sunday, Decr. 3rd.—At 6 p.m. we rowed out between the Heads, and finding the wind at N.E. by E. set the sails and started

* George Bass, surgeon of H.M.S. Reliance, was permitted by Hunter to take six seasons' and six weeks' provisions in a whaleboat, to explore the coast south of Sydney. He was absent twelve weeks, and before his return demonstrated the existence of a strait between Tasmania and Australia. At the time he undertook this journey he was thirty-four years of age, and was described by his father-in-law in a letter to the British Government, written, it is supposed, in 1813, as "Six foot high, dark complexion, wears spectacles, a very penetrating countenance." In February, 1803, he sailed from Port Jackson in the brig Venus, for South America, to procure salt meat and live cattle for the settlement. He informed his brother-in-law, Captain Waterhouse, of H.M.S. Reliance, in a letter, written a few hours before he sailed on the voyage from which he was destined never to return, that he proposed to call in at Dusky Bay, New Zealand, where the wreck of the Endeavour lay; then proceed for seal-skins to the islands lying farther south, and finally, to make the coast of Chili in search of provisions, &c., for New South Wales. With this last object in view, he informed Waterhouse that he had been provided by Governor King with a "very diplomatic-looking certificate." Amongst a number of papers in the possession of Mr. Pownall, solicitor, of Russell Square, London, is the following statement:—

"London, May 10th, 1811.

"In or about the year 1803, a brig named the Harrington, Captain William Campbell, master, arrived at Port Jackson from the coast of Peru, and brought intelligence that the Venus had been taken by the Spaniards—that Mr. G. Bass and Mr. Scott, mate, had, together with the crew, been sent either to the mines or further inland. A Spanish gentleman with whom Captain Campbell was trading told him that Mr. Bass was taken when landing in his boat, and that the vessel was seized afterwards. Captain Campbell had been to Quilo, to Valparaiso, and to Valdivia; but it is uncertain at which of those places the affair happened."

to the southward. At 9 we anchored in Little Harbour,* three miles on this side of Botany Bay, for the night looked squally and uncertain, and things had not yet found their proper places in the boat. 1797
3 to 6 Dec.
Little Bay.

At 5 a.m.† we sailed to the southward with a light breeze at north. At 8, when within 3 or 4 miles of Watamowley, the wind, after wavering about for some time, flew round to W.S.W. and blew violently; we therefore took in the sails and pulled in under the cliffs in expectation of reaching Watamowley, but the wind coming round further to the southward we bore up and went into Port Hacking. Port
Hacking.

Monday, 4th.—P.M.: Gales at W.S.W. A.M. 5: Being moderate, we sailed, but at 8 the wind headed in flurries; we therefore went into Watamowley, being then abreast of it.

Tuesday, 5th.—P.M.: At 1 sailed with a fresh sea-breeze at N.E., and at sunset passed the five islands laying off Hat Hill. It was calm all night, but in the morning we stood along the land with a light air almost at east, which continued until noon, when our latitude was 34° 36'. Hat Hill.

Wednesday, 6th.—P.M.: At 1 the air of wind freshened up into a breeze, and at the same time southerened so much that we could not lay along the land; we therefore went into a bight and anchored.‡

The shore in this bight, and also for some distance on each side of it, bears evident marks of volcanic fire. Several of the little heads and points are of a basaltic nature; some irregular, others columnar basaltis. Upon landing, I perceived, near the extremity of one of the heads, the rocks laying scattered about in a very irregular manner, and upon examination it appeared that a volcanic Geological
features.

Endorsed upon the back of the foregoing statement is the following memorandum in another hand:—

"Lieut. Fitzmaurice was at Valparaiso and St. Jago de Chill in the months of September and October, 1808, and at Lima from November following till April of the next year. The whole of the British prisoners remaining in the Vice-Royalties of Peru and Chill, and the Provinces of Conception, were released, and sent to Europe.

"If such a person had been taken at Valdivia, he would have been sent to one of the above-mentioned places.

"A person of the name of Bass, as well as I can recollect, I heard of being in Lima, five or six years before I went there. WM. FITZMAURICE."

The following letter, the original of which is in the Record Office in London, throws some light on the probable fate of this unfortunate navigator:—

"Liverpool, New South Wales, 15th December, 1817.

"I have just heard a report that Mr. Bass is alive yet in South America. A capt. of a vessel belonging to this port, trading among the islands to the east, fell in with a whaler, and the capt. informed he had seen such a person, and described the person of Mr. Bass. The capt. of a vessel out of this port knowing Mr. Bass well, he is of a belief, the description that the master of the whaler gives of him, it's certainly Mr. Bass—being a doctor too—which is still a stronger reason. I am, &c.,
THOS. MOORE.

Some interesting particulars concerning Bass's early life are given in Sidney's "Three Colonies of Australia," p. 60 (note).

It will be noticed that Bass makes no allusion in this journal to the seven escaped convicts whom Collins states (vol. ii, p. 94) he found on an island when returning to Port Jackson.

* Now known as Little Bay.

† In following Bass's movements, it must be borne in mind that the times given in this journal are those of the nautical day, which was reckoned from noon to noon.

‡ Evidently the bight of which Point Bass forms the southern extremity.

1797 eruption had formerly taken place there. The earth for a considerable distance round, in a form approaching to that of a circle, seemed to have given way ; it was now a green slope.

Evidences of volcanic action.

Towards the centre was a deep ragged hole of about 25 or 30 feet in diameter, and on one side of it the sea washed in through a subterraneous passage with a most tremendous noise. The pieces of rock that lay scattered about had all been burnt, but some were in a state of scoria.

Nothing can be said as to the soil, for the easternmost part of the Blue Mountains comes to the sea here.* At 10 p.m., the wind coming at east, we stood to the southward.

Jervis Bay.

Thursday, 7th.—P.M : At 1 passed Long Nose Point, to the southward of which the coast bights backs considerably to the westward, and forms a long bay, whose southern extremity is terminated by Cape St. George.†

At 5, seeing an opening in the bottom of the bay,‡ we judged it to be an inlet, and ran down to it, but found it to be a shallow lagoon, with a bar breaking all across the mouth ; we therefore rowed on along the bay for a rocky projecting point that promised fair for affording shelter, and at 6 came up with it, and found a small river, into which we went. This little place, which deserves no better a name than Shoals Haven, for it is not properly a river, is very narrow at the entrance, the south side of which is formed by the rocky point, and the north by a breaking spit of sand that runs out from a sandy point ; within it widens, but the channel, though deep, is very small, the greater part being filled up by shoals of mud and sand.

Shoals Haven.

The soil.

The country round it is in general low and swampy, and the soil for the most part is rich and good, but seemingly much subject to extensive inundations.

There are, however, at 6 or 8 miles back from the head of the west branch, many thousand acres of open ground which never can be overflowed, whose soil is a rich vegetable mould.

These extensive openings must formerly have been swamps, but now filled up by repeated floodings and the annual decay of vegetable growth.

Patches and points of trees, the islands, and points of the former swamps still remain to shew what the country has once been.

The mountain range.

The vicinity of that body of mountains which we call the Blue Mountains does not a little contribute towards keeping this part of the low land wetter than it would otherwise be. From Long

* This range of mountains, which Bass regarded as a continuance of the Blue Mountains, is now known as the Illawarra Range, and runs in a N.E. direction from Kangaroo to the coast-line near Coal Cliff.

† Captain Cook first sighted the cape now known as Cape St. George on 24th April, 1770. Hawkesworth (vol. iii, p. 487) states that the name given to the point was Cape George ; but in all Cook's maps, and in that which Hawkesworth published, it appears as Cape St. George.

‡ It will be seen by the memorandum at the conclusion of this Journal (post, p. 333) that Bass had been misled by Bowen's calculations. The point Bass here refers to as Long Nose Point is evidently that at the northern extremity of Seven-mile Beach.

Nose Point they run inland about S.W., and form to the country 1797
 here as complete a barrier to the north and west as they do at 7 to 10 Dec.
 Port Jackson to the south and west. Here, indeed, their southern
 extremity—that is, that point of them which is formed by their
 turning off sharp to the north-west—is perfectly distinct, whereas
 there is every reason to believe that we are as completely shut in
 by them to the northward as to the southward, though that part
 has not yet been traced.

The Blue Mountains, in short, appear to be nothing more than a Supposed
extent of
the Blue
Mountains.
 body of mountains that, getting up somewhere to the northward—
 where, we cannot tell, but not very far, I am well convinced, on
 the north side of Port Stephens, perhaps at Cape Hawke—run
 southerly in about a S.b.W. or S.S.W. direction as far as the Cow
 Pastures, and then turn away eastward and come to the sea 18
 or 20 miles to the southward of Botany Bay. Their breadth
 where they come to the sea is about 25 or 30 miles, but I suspect
 that as they advance northward their breadth decreases.

During my examination of the country back of Shoals Haven Shoals
Haven
River.
 I fell in with an arm of water that, upon tracing down to the sea,
 I found to be the main stream of the barred lagoon that we had
 in vain attempted to enter. It runs about 9 or 10 miles west-
 ward until it strikes upon the mountains laying S.W., and then
 enters them with high rocky banks similar to those of the Grose,
 Tench,* and George's Rivers, on this side the mountains. The south
 bank of this arm is a slip of soil exactly resembling the banks of
 the Hawkesbury. At its back lie the extensive plains already
 spoken of.

However capable the soil of this country might, upon a more
 accurate investigation, be found to be of agricultural improve-
 ment, certain it is that the difficulty of shipping off the produce
 must ever remain a bar to its colonization. Absence of
harbours. A nursery of cattle
 might perhaps be carried on here with advantage, and that sort
 of produce ships off itself.

The tide in Shoals Haven rises 7 or 8 feet, and flows full, and The tide.
 changes about half-past 8. The ebb shoots down strong. The
 latitude of it I made to be 34° 52'.

Sunday, 10th.—P.M. : ½, sailed to the southward with a strong
 breeze at N.E. At 2 passed Cape St. George, in which I suspect
 there is a vein of coal, but altho' I took some pains when at Port
 Jervis to get down upon the face of the cliff, yet I never could
 approach near enough to ascertain whether it was coal or only slate.

At 3 entered Jervis Bay. This is a wide open bay of a very Jervis Bay.
 unpromising appearance upon first entering it. On the north and
 N.E. side, from Point Perpendicular to Cuckold's Point,† the shore

* Now known as the Nepean River.

† It will be seen from the memorandum attached to this journal that Cuckold's Point was
 identical with the Long Nose Point of Captain Cook.—Post, p. 332.

- 1797
10 Dec. is steep rocks ; one beach and a little cove, which, from being the only place we found fresh water in, I have called Freshwater Cove, excepted. There are two streams of water in this cove, and large holes like tanks, seemingly always full. Any launch might at half-tide fill her casks with a hose, baling it out of the tank into the mouth of the hose. Between Cuckold's Point, which is a long rocky point like an artificial pier, and the northernmost beach on this north side is what appears to be the most proper place for anchorage. Even here ships are not landlocked ; but I conjecture, from a comparison of the large swell rolling into the mouth of the bay with the smoothness of the water in this anchoring-place at the time we were there, that they might at most or all times be in safety, and even with ease to themselves and ground-tackling. The N.W., west, and south sides are all shoal beaches, with a heavy surf breaking upon them.
- Cuckold's Point.
- Bowen's Island. Bowen's Island lies about a fourth of a mile from the southern point of the bay, but nothing larger than boats can pass between, on account of reefs that run out from each and nearly join. Off a little beach upon the inner part of the island there appears to be shelter for shipping, with the wind as far round as S.E., in about 8 fathoms, on a firm sandy bottom.
- Nature of the adjacent country. The country round the bay is in general barren. The northern side is rocky, brushy, and heathy. The west is low and swampy, but sandy. In patches of a few score acres the ground runs tolerably good, but these are distant from each other, and are much intersected by lagoons and salt swamps to promise any advantage by cultivation. The south is grassy and brushy, and might serve for the pasturage of cattle. The bay near its mouth seems at some past period to have undergone a change of form by the operation of volcanic fire. The rocks on the N.E. side bear strong marks of it, and being disposed in parallel layers, their declination from the horizontal line is sufficiently evident. Their fall has been to the westward. Great quantities of pumice-stone are lying scattered about to some distance along the shore. Bowen's Island has altogether suffered an alteration by the earth under its western side giving way. The parallel strata now make with the surface of the sea an angle of not less than 14 or 18 degrees.
- Pumice-stone.
- Supposed position of Cape St. George. The north part of the bay bights in so far that all the N.E. shore of it, together with the coast on northward as far as Cape St. George,* a distance of 14 or 15 miles, is nothing more than a very narrow-necked peninsula ; the south part of the bottom of the bay, between Long Nose and Cape George, being not more than three or four hundred yards distant from the north part of Jervis Bay.
- In the sketch Capt. Bowen has given of this bay he lays down a conjectural river 10 or 11 miles north of Point Perpendicular.

* Bass, misled by Bowen's data, placed Cape St. George to the north instead of to the south of Jervis Bay.—Post, p. 332.

I walked over and examined this place, but found it to be only a deep notch in the cliffs, without landing-place or shelter for vessels of any kind. 1797
10 to 17 Dec.

Wednesday, 13th.—At 9 a.m. sailed, with a fresh N.E. sea-breeze. At noon our latitude was $35^{\circ} 16'$, the Pidgeon House bearing west.

Thursday, 14th.—P.M.: Wind fresh, N.E. At 3 passed an island, laying S.E. from the Pidgeon House, upon which we observed a pole or stump sticking on so high and conspicuous a part that we had every reason to believe some shipwrecked persons had erected it there. There was too heavy and fiery a following sea for us to dare to haul up for it now; we therefore left it for our return.* Brush Island.

At 5 we entered Bateman Bay.

Bateman Bay falls far short of that respectable figure it makes in the charts, for its depth back is not more than a mile, and its length a mile and three-fourths or two miles. It has a high steep north head, behind which it runs in northerly about a fourth of a mile, but there is no shelter except merely from northerly winds. Even in the furthest corner there is too much surf upon the beach for any boat to lay without constant attendance. Bateman's Bay.

The north and south sides are hilly. Grass grows tolerably luxuriant upon them, but they seem only fit for feeding cattle. The land on the west side is low and wet, but a few grassy risings might afford good sites. The vallies and the slopes of several of the little hills at some distance back are capable of cultivation, some of them to great advantage. The only difference remarkable in the vegetable productions is the increased size of the she and swamp oaks. Description of the country.

Friday, 15th.—P.M.: 10, sailed with a sea-breeze at E.N.E. At noon our latitude was $35^{\circ} 43'$, two or three small islands lying close under the shore; bore west.

Saturday, 16th.—P.M.: At 7 anchored for the night under the lee of a point. Anchored for the night.

A.M.: Daylight, sailed with an air at west. At 6 the wind flew round to south, bore up, and laid the boat upon the end of a little beach under the same point we had started from.

Sunday, 17th.—P.M.: Employed in examining the country round about us. The form of the ground in general is either low and swampy or at once inclining to the mountainous, there being little or none upon a plane. The whole is intersected by extensive salt swamps and the arms of a branching lagoon that comes to the sea about a mile to the northward of the point.† A ridge of low but Turo's Lake.

* This was apparently Brush Island, about sixteen miles north of Bateman's Bay.

† It would appear from this that the point under which Bass anchored was that now known as Marka Point. It is situated about a mile to the south of the entrance of the large salt-water lagoon into which the Turo's River empties itself. Bass in the course of this day passed unnoticed the entrance of the Moruya River.

1797 hummocky hills is passing along to the southward, at the distance of about 8 or 9 miles back.

17 to 18 Dec.

Nature of the country.

The qualities of the soil are but very indifferent. Some of the best of the low ground before you approach the edges of the swamps is thickly covered with long grass and fern, but the soil is sandy and light. A wet salt marsh then leads you down into the swamps. The sides of the hills where they do not rise up from the lake or swamp side very suddenly are really meadows, but these are few in number. The tops of some of the lower hills are well grassed, but the soil is too poor and sandy for cultivation.

Absence of fresh water.

The country seems to be at all times but sparingly watered, but it is now in a state of drought. In the course of our round of not less than 12 or 14 miles we could not find a drop of fresh water, altho' the heat of the day made us search for it with extreme eagerness. We met with numbers of native huts deserted, the cause of which appeared when we traced down their paths to the dried up waterholes they had dug in the very heart of the largest of the swamps. We saw here the only grey kangaroo we ever met with during our whole absence. The latitude of this point is $36^{\circ} 00'$.

Montague Island.

A.M. : The wind came strong at N.N.W., therefore as soon as we had daylight enough to get the boat through the surf we launched her and proceeded on to the southward. At 11 passed Mount Dromedary. There is an island laying off this mount, of about 2 miles in circuit, and about the same distance from the main. At noon our latitude was $36^{\circ} 23'$.

A southerly burster.

Monday, 18th.—P.M. : 4, after falling away gradually to a light breeze at N.N.W., the wind suddenly burst out at south and blew hard; we therefore hauled in for a break in the land that we had just before bore away for. At 5 landed in a sheltered little beach at the mouth of an inlet that broke across. At 10 am., seeing the mouth of the inlet did not break, we went in and examined it. Were it not for the extreme shallowness of the bar this little inlet would be a complete harbour for small craft, but a small boat even must watch her times for going in. At high water there is not more than 8 or 9 feet. The upper part of this place is a kind of lagoon, or at least a flat, but the lower part downwards, as far as the bar, is one of the prettiest little harbours as to form that was perhaps ever seen. One would take it to have been intended as the model of some large deep harbour. Every small bight has its little white sandy beach, and every turning its firm rocky point, the depth of the water holding a corresponding proportion to the size of the model.

A model harbour.

Barmouth Creek.

The ground round it as far as I examined is rocky and barren in front, and low and salt at the head of it.

I have named the place Barmouth Creek; its latitude by computation is about $36^{\circ} 47'$.

Tuesday, 19th.—A.M. : Sailed at daylight with a light breeze at N.N.W ; at 7 rounded the north point of a bay which seemed capable of affording security for shipping. At 9, the sea-breeze coming at N.E., we continued sailing round the bay, and then stood away to the southward ; for I thought it better to leave this bay for further examination at our return than lose a fair opportunity of getting to the southward.* 1797 19 to 22 Dec.

Wednesday, 20th.—P.M. : Wind N.E. At 5, the wind coming at S.S.W., we anchored under the lee of a point, but could not land. Cape Howe.

A.M. : Daylight, with a light air at north ; 10, sea-breeze at E.N.E ; 11, passed Cape Howe ; at noon our latitude $37^{\circ} 30'$.

Thursday, 21st.—P.M. : 5, landed in a little bight† upon the end of a little beach about a mile north of the Ram Head to fill as much water as we could cask, for as the coast was now very rapidly becoming more sandy and low as we advanced to the southward, and we had every reason to believe the country at this time to be everywhere unusually dry, I was under some apprehension that, unless we had a stock of water to serve for several days, we might be obliged to return to the northward from the difficulty of meeting with it, and so lose the object of our research. Ram Head.

Friday, 22nd.—A gale set in at S.W. b. W., which continued for ten days. The country here is in general low, sandy, and not without lagoons, yet in figure hilly, but the hills are little else than sand ; they have indeed a patched covering of green which might deceive the eye at a distance, but the usual sterility of soil still prevails. The best I have been able to find is like what at Port Jackson is reckoned so favourable for potatoes, which is a mixture of sand with a very small proportion of vegetable earth. A sterile soil.

The general productions are short deformed gum-trees, the tea-tree, some small shrubs, and patches of an almost impenetrable underwood of small brush, ground fern, and vines. The foliage of the underwood is rich and green, but the trees are far more dusky and brown than I have seen anywhere else. A luxuriant crop of grass may occasionally be found in places where the underwood has thinned off, but the soil is still the same. Where thick grass belly-high and fern plants are growing together one might expect a better soil, but it is only a blackish sand like the rest. The timber.

It is but very few miles that I have been able to penetrate into this close country, but by the sand patches, which when I ascended the Ram Head I could distinctly see peeping out of the sides of the back hills, I can conclude no otherwise than that the soil to a great distance inland is equally [as] poor as, if not worse than, that which I have already trodden over. The interior.

* This was evidently Twofold Bay. See the entry under date 15th February, 1798.—Forst, p. 329.

† Doubtless that now known as Wingan Inlet.

1797-8

30 Dec. to
1 Jan.The supplies
of fresh
water.

We had remarked at every stage from Jervis Bay to Barmouth Creek that the fresh water kept increasing both in badness and in difficulty of procuring it.

On this coast of almost mere sand we expected the difficulty to increase in a still greater proportion, but we were deceived, for there are here many little runs of excellent water that, draining out of the sandhills, trickle over the rocky spots at their feet or sink through the beaches into the sea.

An anchor
lost.

Saturday, 30th.—The gale broke up, and we had a light breeze at E.N.E. The boat had never been beached all the time we had been here, for at high water the surf washed up over the beach to the foot of the sand-cliffs, but she lay off at an anchor in a place where, though a swell came in, no breaking-water could. When we attempted to weigh the anchor to go out we found it so completely buried in the sand that the boat could not lift it; we therefore waited till low water, and then attempted with our feet and with sticks to scrape away the sand from it, but in vain. We tried at the next low water, when the cable parted at the clinch, and after some further ineffectual attempts we gave it up as irrecoverable, unless that at our return the sand that the late gale had thrown into the corner should be by that time worked out again. The anchor was not buried less than 4 or 5 feet.

Appearance
of the coast.

Sunday, 31st.—A.M. : Daylight, got out and steered along to the southward in anxious expectation, being now nearly come upon an hitherto unknown part of the coast. The wind was at E.N.E.; our course up till noon, when our latitude was $37^{\circ} 42'$, was about W.S.W.; we had then run, according to our rough way of reckoning, about 30 miles, the land all the way being of nearly the same height as about the Ram Head—in front, long beaches at the bottom of bights of no great depth, lying between low rocky projecting points—there might be about three of these in the whole distance; in the back land lay some short ridges of lumpy irregular hills at a little distance from the sea.

Ninety-mile
Beach.

Monday, Jan. 1, 1798.—P.M. : The wind continued at E.N.E., and we steered along close in with the land. By 9 we supposed ourselves to have gone upon a nearly W.S.W. course about from 30 to 36 miles, but we here and there observed a draining of a current which increased the uncertainty. The land in the whole of this distance was nothing but a low beach—a very small hummock appeared indeed every now and then inland. There were many large smokes behind the beach, as we conjectured by the sides of lagoons, of which there was reason to believe the back country was full.

A moonlight
night.

At 10, being bright moonlight and the sky without a cloud, we could see the land distinctly; it was still low and level. At 11:30 we lost the distinct sight, so as not to be able to judge of any gaps or breaks there might be in it; it was low, however, but a haze

had arisen over it. At 12, the haze thickening, we could scarcely see the land at all. At 2 a.m., the sea becoming more hollow and lofty, we judged ourselves to be getting into shoal water, or that the beach was altering its direction; we therefore hauled out to S.W. b. S., having since 9 ran about S.W. 10 or 12 miles. At 3.10 sufficient day had broken in upon the sky for us to see the land; it was still low and level sand, and seemed to trend in nearly the direction of our course. At 7 we were surprised by the sight of high hummocky land right ahead, but at a considerable distance. We steered for it, but that did not oblige us to quit the beach, for it also appeared to be making the same way in nearly as straight a course as it was able. At noon our latitude was $38^{\circ} 41'$; the high land was now abreast of us; its northernmost end bore W. b. N., 2 or 3 miles. There were several small islands laying in various directions to the southward. Vast flights of petrels and other birds flying about us. Our course and distance since 3.10 had been about S.W. b. S. from 35 to 40 miles or more, the beach keeping by the side of us until within a few miles of the high land, where it bighted back in two or three places that had the appearance of inlets. I now found we had filled up the before unexplored space between what is called Point Hicks, a point we could not at all distinguish from the rest of the beach, and the land seen by Furneaux in latitude $39^{\circ} 00'$, for this high hummocky land could be no other than the land seen by him.

1798

1 to 2 Jan.

Wilson's
Promon-
tory.

Point Hicks.

Tuesday, 2nd.—P.M.: We stood in to the southward along by the high land, with the wind fresh at E.N.E. At 2 steered down for a large hummock, bearing S. $\frac{1}{2}$ E., that had just risen out of the water, and from its being so much larger than the rest, I suppose might be the main continued on by very low land from the back part of Furneaux's Land. At 4 the hummock proved to be an island. Furneaux's Land, too, appeared like an island; we could see no land joining to it, either on the east or west sides. We continued standing on for the hummock island, expecting, as it seemed large, to get shelter there, or, perhaps, landing.

Rounding
the Promon-
tory.

At 6 we anchored under its lee, but could not land. Vast numbers of petrels, gulls, and other birds were roosting upon it, and on the rocks were many seals with a remarkably long tapering neck and sharp-pointed head. At daylight, the wind being very strong at N.E. b. E., and apprehending we should not fetch Furneaux's Land, I judged it best to steer about S. $\frac{1}{2}$ E. for the islands lying to the northward of Van Dieman's Land. Accordingly, we sailed, but at 6 the wind shifted to E. b. S., when I presently found from the sea that was going, and the lee way the boat was making by being obliged every now and then to launch her off to the westward before the heaviest of the breaking seas, that we should not fetch near the land we were steering for. I stood on, however, with an intention, as we were thus far from the

In Bass
Strait.

1798
3 to 5 Jan. main, to endeavour to make the north coast of Van Dieman's Land, and coasting it along to the eastward, return to the northward by Cape Barren. I had hopes too of being able to procure rice at the island* the Sydney Cove's wreck is laying on, and by that means be enabled to lengthen our stay from Port Jackson, which would in some measure do away the effects of the persecution we had so much experienced from foul winds. At noon our latitude was $39^{\circ} 51'$, no land in sight. The south part of Furneaux's Land I computed to bear N.N.E. or N.E. b. N., the north part of Van Dieman's Land about S.S.E. or S.E. b. S. We were therefore at the back of the island laying to the southward of the Sisters, and might be distant from it about 20 or 26 miles or more.

Out of sight
of land.

A leaky
boat.

Wednesday, 3rd.—P.M. : We stood in south, the wind E. by S. At 3 the water was observed to gush in through the boat's side pretty plentifully near the water-line abaft. We had frequently remarked in the course of the morning how much looser the boat had become by the last two or three days' working. As there appeared to be some risque of a plank starting, I determined, notwithstanding the north part of Van Dieman's Land could now be at no very great distance, to stand back for Furneaux's Land, and coast along from it in which ever way the land might trend, for the state of the boat did not seem to allow of our quitting the shore with propriety. At 4 wore and stood to the northward, keeping the boat close to the wind. It was at this time so clear to the southward that we judged ourselves capable of seeing land a moderate height full 4 or 5 leagues, had there been any at that distance. From the time of the observation until this time we had steered due south at the rate of $2\frac{1}{2}$ or 3 knots per hour; we must therefore now have been in the latitude $40^{\circ} 00'$, at least.

A heavy sea.

At 6 the wind back to E.S.E., and by 9 blew hard. A great sea got up, and ran very hollow and irregular. We had a bad night of it, but the excellent qualities of the boat brought us through. Soon after daylight we saw the island we left the morning before, bearing N.E. b. E., 16 or 18 miles, and at 6 saw Furneaux's Land, and steered in for it. At noon no observation, there being too much sea flying about.

At anchor.

Thursday, 4th.—P.M. : At 2 we were standing in under the land and looking out for some place of shelter, and at 8 anchored in one of the bights, not being able to land.

A.M. : At daylight, the wind being at N.E., we stood round a kind of bay lying along from Furneaux's Land, about west or W. b. N. At noon no observation, the sun being too much over the land.

Appearance
of the coast.

Friday, 5th.—P.M. : We continued running along the shore about W.N.W. The shore in the bights is low and sandy, but wherever a rocky point comes down to the sea a ridge of high land extends from it backwards as far as can be seen.

* Preservation Island.—Appendix A.

At 7, seeing a large break in the land, we stood in for it and found a strong outset of tide. Many shoals were breaking in different parts of the entrance, so that we could not then see where the channel was. I therefore landed to look for it, and found we were at the back of a long spit which we could not now round, as the tide of flood was beginning to make in strong; we therefore waited until high water, and then crossed the spit and entered a very extensive harbour. Our course, independent of the bights we had sailed round from Furneaux's Land to this place, had been about W. b. N. $\frac{1}{2}$ N., some 60 or more miles.

1798

5 Jan.

An extensive harbour.

We stayed here until the 17th, for what from the weather, the peculiar circumstances of the harbour itself, and the necessary re-equipment of our boat and gear, I did not find myself able to make up my mind concerning it sooner.

A necessary rest.

I have named the place, from its relative situation to every other known harbour on the coast, Western Port. It is a large sheet of water branching out into two arms which end in wide flats of several miles in extent, and it was not until we had been here some days that we found it to be formed by an island, and to have two outlets to the sea—an eastern and a western passage. We went in and came out by the former, which is winding and narrow. The latter, the western entrance, is, in the present imperfectly known state of them, the preferable one. As the weather would not allow us to go through it, I walked along the west side of the island at a time when it was blowing fresh from the S.W. and a heavy surf going upon the shore, so that I must have seen everything that broke, but saw no breakers except those I have marked in the sketch, which I am sorry to say, after all the vexation I have had with it, is but very imperfect. The general rise of tide is from 10 to 14 feet. It flows on the full and change days about half-past twelve. The soundings are frequently irregular, which is perhaps occasioned by the cross-setting of the tide out of the two arms into the two outlets, and by the softness of the bottom, which is chiefly mud with a little sand; mud abounds so much that the greater part of the points are not approachable except towards the top of high water, and then at the risque of having your boat left until the next tide, for the mud runs out far and flat, and so soft that there is no walking the boat over it. There are indeed in some places sand-shoals, and those tolerably hard, but even they tail off in mud. I have not in the sketch* attempted to lay down all the shoals, except in that place where any vessel would be the most likely to anchor, or their exact direction. Accuracy, independent of its being altogether out of my reach, would, I believe, to anyone be the labour of months.

Western Port.

The tide.

Mud-flat and sand-shoals.

* Unfortunately, the sketch Bass made has been lost; and no copies of it are known to exist. The track of his whaleboat is shown, in part, in a chart by Flinders.—Appendix B.

- 1798 The land round Western Port is low but hilly, the hills rising as they recede, which gives it a pleasing appearance. Upon the borders of the harbour it is in general low and level. In the different places I landed I found the soil almost uniformly the same all round—a light brown mould free from sand, and the lowest lying grounds a kind of peaty earth. There are many hundred acres of such sort of ground. The grass and ferns grow luxuriantly, and yet the country is but thinly and lightly timbered. The gum-tree, she and swamp oaks, are the most common trees. Little patches of brush are to be met with everywhere, but there are upon the east side several thick brushes of some miles in extent, whose soil is a rich vegetable mould. In front of these brushes are salt marshes. The island is but barren. Starved shrubs grow upon the higher land, and the lower is nothing better than sandy brushes, at this time dried up.
- 5 to 18 Jan. Nature of the soil
- and timber.
- Scarcity of fresh water.
- The natives.
- The entrance to Western Port.
- The homeward voyage.
- We had great difficulty in finding good water, and even that which was brackish was very scarce. There is, however, every appearance of an unusual drought in the country.
- The head of the winding creek on the east side, which I have marked with Fresh Water in the sketch, was the only place we could procure it at free from a brackish taste. At half-tide there is water enough over the shoals for the largest boat, and within the creek there is at all times a sufficient depth.
- There seem to be but few natives about this place. We saw only four, and that the day after we came in, but they were so shy we could not get near them. There are paths and other marks of them in several places, but none very recent. The want of water has perhaps driven them further back upon the higher lands. We saw a few of the brush kangaroo, the wallabah, but no other kind. Swans may be seen here, hundreds in a flight, and ducks, a small but excellent kind, fly in thousands. There is an abundance of most kinds of wild fowl.
- The eastern entrance of this place has so conspicuous an appearance by the gap it makes in the land that it cannot fail of being known by any one coming from the eastward.
- The point of the island, which is a high cape, like a snapper's head, forms an island. The entrance appears like a passage between it and the main. The latitude of it will be found to be somewhere about 38° 25'.
- As the seventh week had now expired, our reduced stock of provisions forced us to turn our heads homewards. We did it very reluctantly.
- Thursday, 18th.—At 5 a.m. we left Western Port with a fresh of wind at W. b. S., and ran along the shore eastward for Fur-neaux's Land. By 10 the fresh of wind had increased to a gale, and the sea, which we found running rather high when we came out, now began to be very troublesome. A long S.W. swell that

set in upon the land made it cross and irregular. This long swell we had observed in going to the westward, when for several days before that time, and almost ever since, the winds had been northerly, and at times very strong. At noon heavy squalls, with rain, fed the gale. 1798
18 to 27 Jan.

Friday, 19th.—At 3 p.m. we got the boat in upon a little beach under the weather shore of the bight west of Furneaux's Land, the islands bearing E.S.E. 12 or 14 miles. Beaching
the boat.

Monday, 22nd.—At 5 a.m., the gale having broke up, and the sky become of a favourable appearance, we launched the boat and went over to the islands (lying on the west side of Furneaux's Land).

At 10, after having variable light airs all the morning, it set in and blew strong at S.W. Seeing a kind of bend in one of the islands about a quarter of a mile from the main, which was a weather shore with this wind, we went in there and landed to collect a stock of petrels for our homeward supply.

Tuesday, 23rd.—P.M.: The S.-wester soon became a gale, but it was still good laying off the rocks under its lee. I therefore resolved upon staying there all night, that we might be able at once to procure what birds we could salt down, and then be ready for the first smooth day, and afterwards make the best of our way to the northward. At 1 a.m. the wind flew round to south and blew stronger than before. The sea now rolled in between the island and the main, and our station was no longer tenable, so at day-break we stood over towards the west side of the bight for the little beach we had last left, for there was too much surf going upon the beaches under Furneaux's Land to put the boat on shore unless in a case of extremity. At 8 laid the boat upon the beach on the west side, having passed through a sea that for the very few hours it had been blowing was incredibly high. Provisions.
A southerly
gale.

Wednesday, 24th.—P.M.: The gale broke up at south as suddenly as it came on, and a strong breeze then set in E.S.E. A.M.: Gales, E.S.E. A change of
wind.

Thursday, 25th.—P.M.: Hard gales, E.S.E. A.M.: More moderate, but still a wild unsettled appearance.

Friday, 26th.—P.M.: It was almost calm, and the sky seemed to be getting more favourable; therefore, at 4 we rowed over towards the island, and at 9 brought up under one of them for the night. By 11, the wind blowing up fresh at west, bore away round Furneaux's Land.

Saturday, 27th.—At 4 p.m. came to upon a beach on the east side of Furneaux's Land, in order to wait for a favourable opportunity of examining Seal Island, to see if any commercial advantage might be expected from it. It appears to lie about 8 or 9 miles to the northward. A.M.: Wind N.E. Off the rocks I observed the latitude to be $38^{\circ} 50'$. The voyage
resumed.

1798 Sunday, 28th.—P.M. : Wind N.E. A.M. : 10, having a light
23 to 30 Jan. air off the land, we went out towards the Seal Island. At noon
Seal Island. our latitude was $38^{\circ} 43'$; the island bore N.E. b. N. 2 miles.

Monday, 29th.—P.M. : 3, brought up under the Seal Island in a
little bight where boats may lay when the wind has any southing
in it. This island is the northernmost of four that lie about
S.S.E. and N.N.W. of each other at about half a mile apart, the
north end of Furneaux's Land bearing N.W. b. N. It is about
a mile and a half in circuit, and is of a very moderate height,
sloping up gradually to a hill in the middle. There is neither tree
or shrub upon it, but a great deal of thick tufted grass, in which
The seals. the seals have everywhere made paths and the petrels have bur-
rowed. The number of seals was by no means equal to what we
had been led to expect. It is certain, however, that great numbers
had been destroyed, and probably more frightened; but as the
pups seem now to be nearly full-grown, many of the seals may
have gone off to sea, as is their custom when the pupping-time is
past.

The prospects of speculation. From the quantity I saw I have every reason to believe that a
speculation upon a small scale might be carried on with advantage.
There are seals more or less upon all the islands on both sides
of Furneaux's Land; but as some are not so well formed for
their landing as others they are less frequented by them. Any
island to be a true seal island must have in some one part of it
a landing-place of easy access, on account of the pups.

At 5 a.m., the wind setting in from the E.N.E., with a foul and
cloudy sky, we hastened to get in our stock of seals' flesh, and
then stood over for a little cove under the land. At 10 landed
there. This cove, which from the use it may be of to anyone
coming here to seal will bear the name of Sealers' Cove,* is large
enough for a small vessel to swing in, and of depth sufficient for
any ship to ride in safety. It is shut from all but the winds from
E.S.E. to E.N.E., and these, as we had afterwards occasion to
see, throw no great swell into it. There is plenty of fresh water,
and wood enough at hand to boil down any quantity of blubber
they might procure. Its latitude is $38^{\circ} 50'$, and it bears from the
northernmost seal island S.W. $\frac{1}{2}$ S.

Tuesday, 30th.—Hard gales at E.N.E. The water in the cove
keeps smooth. This gale gave me an opportunity of examining
the surface of Furneaux's Land.

Wilson's Promon-
tory. Furneaux's Land, or that land seen by Captain Furneaux in
the latitude of $39^{\circ} 00'$,† is a lofty hummocky promontory of hard

* This inlet, on the eastern side of Wilson's Promontory, still bears this name.

† The latitude assigned by Furneaux to the land he saw lying to the N.N.E. of Furneaux's Island is identical with that of Wilson's Promontory, but the longitude in which he placed it is more than a degree in error. Wilson's Promontory was so named by Governor Hunter, upon the suggestion of Flinders and Bass, in honour of Thomas Wilson, of London.—Flinders's "Terra Australis," vol. i, p. cxv (note).

granite, of about 20 miles in length, and varying from 6 or 7 to 12 or 14 miles in breadth. Its firmness and vast durability make it well worthy of being, what there is great reason to believe it is, the boundary point of a large strait and a corner-stone of this great island, New Holland. It is joined to the mainland by a low neck of sand, which is nearly divided by a lagoon that runs in on the west side of it, and by a large shoal inlet on the east.

1798

20 Jan. to
2 Feb.

Notwithstanding the height of this land is not such as would be by seamen reckoned at all remarkable, yet it appears strikingly so by being contrasted with the low sandy land that joins to it, and by having no high land in its neighbourhood except a single ridge of mountains to the northward of from 12 or 18 miles in length, which, getting up at some considerable distance from the sea, comes down southing in a direction for Furneaux's Land, and slopes away gradually to a termination, leaving about 12 or 16 miles of this sand and saltwater inlets between them.

Features of
the country.

There is but little soil upon Furneaux's Land; it is chiefly barren; the rocks are hidden indeed by brush and dwarf gums and other smaller vegetation, which gives a deceitful appearance of fertility to the eye of a distant observer. The myrtle, so common about Sydney, grows not only here, but also in several places to the westward, much larger than it is ever seen to the northward. The brushes are generally formed of it entirely.

The soil
and timber.

The tide of flood runs along from the northward along the east side of Furneaux's Land, and then sweeps to the westward round the end of it with considerable rapidity. The day on which we more particularly had occasion to observe it was the eighth of the moon's age, and it then ran full 2 knots or more. The ebb tide sets principally off to the eastward. It rises on the east side about Sealers' Cove 10 or 11 feet, and flows full, and changes about 10 o'clock.

The tides.

Whenever it shall be decided that the opening between this and Van Dieman's Land is a strait, this rapidity of tide, and that long S.W. swell that seems to be continually rolling in upon the coast to the westward, will then be accounted for.*

There are no natives upon Furneaux's Land, but the sandy neck is inhabited near the inlets.

Friday, February 2nd.—P.M. : 2. The gale having broken up, and the wind coming to the westward, we coasted along the east side of Furneaux's Land, and at night came to within the entrance of a shoal inlet that we found to run in by the north end of it. A.M. : Daylight.—We proceeded up the inlet which can be called little else than a large flat, for the greater part of it dries at low water. Off the mouth lies a long breaking shoal, on the west side

Returning
to Sydney.

* It is evident from this passage that Bass was not fully conscious of the great discovery he had made.

1793 of which is the channel. The deepest water will be found by
 2 to 10 Feb. keeping well over to the south shore, and when within the entrance
 close by the rocky points on that side, but there is nowhere more
 than 2 or $2\frac{1}{2}$ fathoms at low water, except in holes off these points,
 where the tide sets by strong. A vessel that could lay in this
 draught of water might be completely landlocked on the south
 side under Furneaux's Land, from off which there are two or three
 The tides. large runs of most excellent water. The tide here rises 8 or 9
 feet, and what is remarkable, flows full and changes a full hour
 later than it does in Sealers' Cove, notwithstanding the flood comes
 from the northward. I was at a loss to account for this circum-
 stance until I became acquainted with the lay of the coast to the
 eastward and northward of the inlet, when it appeared to be owing
 to its being situated in the bottom of a bight, across and not
 directly into which the grand shoot of the flood passes in its way
 from the long beach down upon Furneaux's Land. As a general
 remark, I would observe that the flood tide, after ranging along
 from the eastward by the side of the long beach, leaves it at that
 part where the beach ceases to trend in an N.E. and S.W. direction.
 and from thence, keeping the course it has received by the N.E.
 and S.W. lay of the land it last struck against, strikes off for the
 Seal Islands and the south-easternmost part of Furneaux's Land.

Steering
 northward.

Friday, 9th.—A.M. : The wind at last came from the westward.
 We went out of the inlet and steered along shore about E.N.E.,
 with the wind strong at S.W. At the distance of 5 miles we
 passed the mouth of an inlet out of which the tide was setting. It
 had the appearance of being of the same shoal kind as that we were
 come out of. We were too short of provisions to go up it and
 risque the loss of the wind we had for several days been anxiously
 waiting for. A large half-moon shoal stretches to the N.E. from
 it, full $2\frac{1}{2}$ or 3 miles, over which the ebb out of the inlet sets very
 strong. Four or five miles farther eastward we passed the mouth
 of a small very shoal lagoon, and by noon, when our latitude was
 $38^{\circ} 34'$, we had come to the part of the beach from which we had
 struck off upon coming down, and had steered for the high land
 that we afterwards found to be Furneaux's. These inlets and
 lagoon were the bights we then observed, but did not examine.

Ninety-mile
 Beach.

Saturday, 10th.—P.M. : We steered along the beach about N.E.,
 with a fresh gale at S.W. b. W., and a heavy following sea. At
 sunset it became more moderate. At 9 we hauled out E.N.E., for
 I judged we must then have nearly ran down that part of the
 beach that lies N.E. and S.W. At 1 a.m. the moon got up, but
 being too much obscured by clouds to give a continuance of light
 sufficient for us to stand down upon the land with safety, we kept
 on till 2-30, and then bore away E.N.E. At daybreak the beach
 was distant 2 miles. It trended E.N.E. and W.S.W., and, upon

recollecting this part of the shore, I found that we had after we hauled out ran along about 10 miles of it lying in the same direction. The wind having died away gradually, a short interval of calm succeeded. At 10 it set in strong from the E.N.E. As we had no part to bear up for nearer than the inlets, and the boat was in no condition for keeping the sea with a foul wind, I thought it most proper, although there was a heavy surf going upon the shore, to hazard her taking the beach; accordingly, having tripped her off and on until noon, in order to get the latitude, which was $37^{\circ} 47'$, we pushed in through the surf and landed her safely. 1798
10 to 10 Feb.

Sunday, 11th.—The country at the back of this place is nothing but dried up swamps and barren sandhills. Some natives came to us with very little hesitation, the usual signs of friendship being offered and accepted on each side. By their manner we concluded they had never seen white people before, or ever heard of them. In the evening the wind, at E.N.E., died away. Beaching
the boat.
Natives.

A.M. : At 2 the wind and clouds came away strong from the S.W., and seemed to threaten us with a gale. As with this wind the surf must very speedily rise so much that it would be impossible for us to leave the beach until some time after the gale was over, we determined to try if the boat could get through it. There was no time to be lost; therefore we immediately dragged the boat down to the water's edge, got everything into her, and, as soon as we had light enough to see what we were about, launched her into it, and succeeded in getting her out; then bore away to the northward. At noon the Ram Head was just come in sight. Ram Head.

Monday, 12th.—P.M. : At 4 went into the bight at the Ram Head, to endeavour at the recovery of our anchor, supposing the sand thrown in by the gale which buried it might by this time have worked out again. A.M. : Looked for it, but in vain; wind E.N.E.

Thursday, 15th.—P.M. : At 4, the easterly winds being done, a strong breeze set in suddenly at S.W. We immediately stood to the northward with it. At 10 passed Cape Howe. A.M. : At noon we were off the mouth of the bay we had sailed round on the 19th December, and found the latitude to be $36^{\circ} 53'.$ * Stood into the bay. Cape Howe.

Friday, 16th.—At 1 p.m. landed in the upper part of the bay. I employed myself until sunset in examining the country round, and had the mortification to find that the same sterility we had almost everywhere witnessed upon the coast still attended it.

The figure of the land, especially on the N.W. and west sides, is hilly in hummocks. The hills are stony; the sides of the gullies between them and some little low land at their foot is well covered with soil, in patches, at the expence of the higher ground. The natural productions are the general ones of the country. The Twofold
Bay.

* Twofold Bay. The correct latitude is $37^{\circ} 5'.$ —Ante, p. 319.

1798

Memorandum.

25 Feb.

Latitude of
Cape St.
George and
Long Nose
Point.

A MEMORANDUM, intending to point out the errors Capt. Bowen seems to have fallen into respecting the positions of Cape George and Long Nose Point; and serving, likewise, to correct the mistakes I have unavoidably been led into by taking his latitudes of those places as their true latitude, not then knowing the latitude in which their discoverer, Capt. Cook, had laid them down.

Cook
discovers
Cape St.
George

IN Capt. Cook's voyage to this coast (vol. 2, page 48) we read:—"Tuesday, April 24th.—At this time our latitude by observation was $35^{\circ} 10' S.$ A point of land which I had discovered on St. George's Day, and which therefore I called Cape George, bore west 19 miles, and the Pidgeon House (the latitude and longitude of which I found to be $38^{\circ} 19' S.$, and $209^{\circ} 42' W.$) $S. 75^{\circ} W.$ "

and Long
Nose.

"Wednesday, 25th.—About 2 leagues to the northward of Cape George the shore seemed to form a bay which promised shelter from N.E. winds, but as the wind was with us it was not in my power to look into it without beating up, which would have cost me more time than I was willing to spare. The north point of this bay, on account of its figure, I named Long Nose. Its latitude is $35^{\circ} 6'.$ "

Captain
Bowen's
computa-
tions.

Now for Capt. Bowen. To the sketch of what he has called Jervis Bay he has run on a coast-line for a few miles to the northward of that bay. In that coast-line he places Cape George in lat. $34^{\circ} 55'$, and Long Nose $34^{\circ} 50'$ —the former 15 miles north of its true place, and the latter 16 miles; but he names a point Cuckold's Point, and fixes it in the precise latitude of the true Long Nose. Now this Cuckold's Point happens to be of a form answering the description of Long Nose, for it is long and low. It must be allowed, however, that it is not the extreme point of the bay, for Point Perpendicular is its extreme. But, on the other hand, it must be readily granted by any one who has seen the place that when to the southward of the bay, which was Capt. Cook's situation when he speaks of Long Nose as forming its northern extremity, then Point Perpendicular has no visible appearance of a projection or point, but seems to be in a line with the rest of the cliffs; whereas Cuckold's Point, as Capt. Bowen has called it, is so conspicuous as not to fail of being remarked as a point, notwithstanding its being at some distance within the entrance of the bay.

Long Nose
Point.Cuckold's
Point.

It may therefore, I imagine, be fairly concluded that the Cuckold's Point of Capt. Bowen is the Long Nose Point of Capt. Cook,* and that Jervis Bay, altho' not named by him, was distinctly seen to be a bay, and was spoken of as such. As further

* The point Cook called Long Nose Point and Bowen Cuckold's Point is now called Dart Point.—Admiralty Chart.

proof, it might be observed that, at about the distance to the southward of Jervis Bay which Capt. Cook fixes his Cape George, there is a high mountainous point or cape that forms the northern extreme of the bight at the back of which the Pidgeon House is situated.

1798
25 Feb.

About 2 miles to the southward of this cape I had an observation which gave latitude $35^{\circ} 14'$, but I then had no idea of its being Cape George, having always judged of the latitude of that place and of Long Nose from Capt. Bowen's sketch, which I had with me in the boat. Being now convinced of the error of that sketch it will be necessary to correct the mistakes it has led me into.

Captain
Bowen's
faulty
sketch.

In my sketch* of Shoals Haven I have struck off from the south point of that place the extremes of the bay in which it is situated—the one, Long Nose Point, N. 12° E. ; the other, Cape George, S.E. These must now be considered as the northern extreme, N. 12° E. ; another southern extreme, S.E.

GEORGE BASS.

MEMO BY SIR JOSEPH BANKS. (Banks Papers.)

1797

11th December, 1797.

11 Dec.

GEORGE SUTTER [SUTTOR],† 23 years old, intends to marry before he goes out.

Free
settlers.

His father is a farming gardener ; he wishes to go out because he sees no prospect of establishment here, as he has an elder brother.

Has some property, enough to fit him out, not enough to fit out himself and wife ; expects a passage out, a hundred acres of land stocked, and a house, and two men to work it for one year, and maintenance from the stores.

The parents will help them.

Wishes to go in the ship with Mr. Rowe.

Captain Hebbot, Mr. Rowe's friend.

Jas. Rowe, of Kensington, a farmer's son, with a child, is to go in the next ship.

GOVERNMENT AND GENERAL ORDER.

13th December, 1797.

13 Dec.

Parole—Tinemouth.

Countersign—Exmouth.

The Commissary is directed to issue 6 lb. of maize to the convicts Rations. in addition to their ration of wheat.

JNO. HUNTER.

* This sketch cannot now be found.

† Post, p. 382.

1797

AN ESTIMATE OF WEAVING MATERIALS.*

		£	s.	d.
14 Dec.	To a new deal linnen loom	7	7	0
A weaver's plant.	To 6 winding-wheels, 6 swifts and spires...	2	11	0
	To 4 pr. of pulleys and 16 hooks	0	14	0
	To 1 gross bobbins	0	18	0
	To tackle for table-linnen	0	12	0
	To 9 vatows	2	4	0
	To 12 pr. of best temples	1	11	6
	To a pr. of fly battens, a fly shuttle, and 6 pr. of extra drivers	1	6	0
	To 3 thousand pipes	0	10	0
	To carriage for the above articles, to be delivered at the King's stores, Deptford	0	12	0
		£18	5	6

GOVERNMENT AND GENERAL ORDER.

17 Dec.

17th December, 1797.

Parole—New.

Countersign—Crops.

Ration.

THE Commissary is directed to issue on next Saturday the ration of wheat agreeable to the proportion served before the late reduction.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

22 Dec.

22nd December, 1797.

Parole—Watchman.

Countersign—Constable.

Incen-
daries.

WHEREAS an attack was made on Wednesday night last on the house of John Mitcham, a settler, in the district of Concord, by three men, two of whom it has appeared had their faces black'd to prevent discovery, and after beating the man they set fire to his house and to the whole produce of his last year's labor—one stack of wheat which he has just secured.

A common
danger.

This is an offence of so serious a nature to the colony at large that the Governor has thought proper to call upon every man who values the safety of his house and security of his property to use their utmost vigilance in discovering the above offenders, that the law may have an opportunity of shewing its ability to defend the property of every inhabitant of the colony by the punishment of those who dare to attack it. His Excellency also judges it necessary to observe that the whole inhabitants of the settlement cannot fail to see the danger of suffering mischiefs of this kind to pass unpunished, as the most ignorant must know that every reduction of the quantity of wheat must be attended with a reduction of the ration, which cannot fail to be felt by the whole of the people, whether on or off the public store.

* Forwarded by Mr. B. Merriek, of 14, Grey Eagle-street, Spitafields, London, to Under Secretary King. The articles were required for the manufacture of coarse cloth and cordage from the flax-plant, by the convicts at Sydney and Norfolk Island. Ante, p. 191, and post, p. 375.

Any person who shall come forward and lead to such discovery of the above offenders as may serve to convict them before a Court of Criminal Judicature, if a convict, shall receive a conditional emancipation, that is, to be made free in this country and have permission to become a settler. 1797
22 Dec.
Reward.

JNO. HUNTER.

MINUTE OF THE BOARD OF TRADE.

At the Council Chamber, Whitehall, the 26th of December, 1797. 26 Dec.
 READ—A memorial of the merchant-adventurers in the southern whale-fishery, stating that it is absolutely necessary that the vessels employed on the southern whale-fishery should put into some ports or islands in the Pacific Ocean for the purpose of refreshing their crews, which they are prevented from doing by the war between Great Britain and Spain; representing, at the same time, that they have strong reason to suppose that the spermaceti whale and seal fishery might be carried on to great advantage at Kerguelen's Land, in the Indian Ocean, off the coasts of New Holland, the New Hebrides, New Caledonia, New Zealand, the Phillipine Islands, and Formosa, but that by the Act of Parliament of the 35th of his present Majesty, cap. 92, sec. 19,* such vessels are restrained from proceeding further north than the Equator and further east than 51 degrees of east longitude, and consequently from carrying on the fishery at and near the places above mentioned, where they might procure the refreshments they stand in need of, and consequently escape the risque of capture; and therefore praying that the restriction above mentioned may be taken off, and that a Bill may be immediately brought into Parliament for that purpose, or that such relief may be given them as to the wisdom of Parliament shall seem fit. Whaling
in the
South Seas.

35 Geo. iii,
c. 92.

Statutory
restrictions.

Ordered—That a copy of the said memorial be transmitted to William Ramsay, Esquire, for the consideration of the Court of Directors of the United Company of Merchants of England trading to the East Indies, with a letter expressing the hope of the Lords of this Committee that the Court of Directors will not be averse to a compliance with the prayer of the memorialists for the benefit of the southern whale-fishery (which is become a very important branch of commerce), as far as they conceive may be done consistently with the security of their commercial rights; and desiring that the Court of Directors will report, with all convenient expedition, their opinion on the subject of the said memorial, suggesting, at the same time, in case of a compliance with the request of the memorialists, such regulations and restrictions as may be thought necessary for preventing the ships engaged in the southern whale-fishery from interfering with any of the essential rights to which the East India Company is entitled under its charter. The rights
of the
East India
Company.

* "An Act for further encouraging and regulating the Southern Whale Fisheries," passed 22nd June, 1795.—See *Railby's Statutes at Large*, vol. ix, p. 747.

1797

NEW SOUTH WALES CORPS.

31 Dec.
N.S. Wales
Corps.

Rank.	Name.	Date.
Lt.-Col. Comm.	Francis Grose	15 July, 1795
Major	William Paterson	4 Nov., 1795
Captains	Joseph Foveaux	6 Apr., 1791
	George Johnstone	25 Sept., 1792
	John M'Arthur	6 May, 1795
	John Townson	6 do.
	Edward Abbott	11 Nov.
	Thomas Rowley	29 Sept., 1796
Lieutenants	John Tho. Prentice	6 Apr., 1791
	William Beckwith	6 do.
	William Cummings	25 June, 1793
	John Clephane	6 May, 1796
	John Piper	6 do.
	Neil M'Kellar	11 Nov.
	Thomas Davies	29 Sept., 1796
Ensigns	James Hunt Lucas	30 do.
	Anthony Fenn Kemp	24 July, 1793
	William Patullo	15 Jan., 1794
	John Brabyn	6 May, 1796
	William Moore	7 do.
	Thomas Laycock	30 Dec.
Chaplain	John Lenigar Brock	10 Aug., 1796
Adjutant	William Burne	26 do.
Quarter-master	James Bain	5 June, 1789
Surgeon	William Minchin	—
Assistant-surg.	Thomas Laycock	5 Jan., 1791
	John Harris	26 Jan., 1791

RETURN of Labour at Sydney, Parramatta, and Toongabbe,
1797.

Men Employed.	Work Executed.
AT SYDNEY.	
Carpenters. Eight carpenters, wheelwrights, barrow-makers, and labourers.	Made sashes and furniture for Government House, wheels for the windmill, a rope-walk, stocks for the gun-carriages; built two houses at the hospital; set up a bell for assembling the people to work; made bedsteads for both the hospitals; repaired and altered the inside of Mr. Balmain's house; made furniture for the different officers' barracks; pailed in a yard for the cooper to work in adjoining the store; pailed in the military barrack, exercising-ground, &c., &c.; made 8 new casks and 2 timber carriages; repaired and fitted up the old ones; took down the wooden hospital and removed it in a line with the other builgs; pailed round the spring and cleared out the tanks.

RETURN of Labour at Sydney, &c.—*continued.*

1767

1 Jan. to
31 Dec.

Men Employed.	Work Executed.
Sixteen shipwrights, caulkers, boat-builders, labourers, and watchmen in the dockyard.	Built a new pinnace, a whaleboat for Paramatta, a burthensome punt for discharging ships with the more expedition, a boat for H.M. ship the Reliance, a longboat for H.M. ship the Supply; repaired the Francis schooner, the hospital, and South Head boats; erected a steamer for seasoning of plank; pailed in the dockyard, hung gates, built sheds for boats and for the sawyers; lined the inside of the provision store; remounted upon new carriages the two brass field-pieces; made sheds, hacks, barrows, molds, &c. for the brickmakers, the former ones having been suffered to go to decay; layed the keel of a new brig of 150 tons burthen; built a new wood boat for the hospital.
Nineteen brick and stone layers, plaisterers, and labourers.	Built the brickwork of two houses in the hospital, built ovens for the publick bakers, erected a tower 150 feet high for a town-clock, a range of chimnies at the hospital, a new grannary with two floors, shingled compleat; a new goal for felons, double-logged and thatched; a new stone windmill that turns two pair of stones; a new blacksmith's shop, 70 feet long and 20 feet wide; a new goal for debtors; repaired, plaistered, and whitewashed the houses of the Lieut.-Governor, the Rev'd Mr. Johnston, Mr. Balmain, Mr. Grimes, the Commissary, Cap't Rowley, Lieutenants Prentice and Patullo; fitted up a house for the reception of Adjutant Brock; do. for a school; repaired the well and stock-houses at Government House; cut a drain all round and repaired the provision store; layed the foundation of a new house for the master-shipwright.
Four tailors	Made 311 pair of trowsers, 31 coats, 83 jackets, 20 pair of breeches, 19 pair of drawers, 29 waistcoats, and 24 suits of children's cloaths; repaired 300 pair of trowsers, 240 jackets, 15 pair of breeches, and 72 waistcoats.
Five shoemakers	Made 240 pair of shoes, soled 609, and repaired 240 do.
One overseer and four men	Constantly collecting, cleaning, and burning shells into lime.

1797

RETURN of Labour at Sydney, &c.—*continued.*

1 Jan. to 31 Dec.	Men Employed.	Work Executed.
Black-smiths.	Fifteen blacksmiths, tin and copper do., hammermen, file-grinders, farrier, locksmiths, and labourers.	Made ironwork for the different public buildings and boats in the dock; books, hinges, and staples for the Govt. butts; 1 forge and 4 men constantly employed making and repairing tools for the stone-cutters, quarrymen, and wellsinkers; made 63 door locks and keys, 43 padlocks and keys; repaired 140 locks and 335 keys; made 586 hoes, 45 shovels, 33 spades, 46 picks, 230 axes, 133 kettles, and 276 frying-pans.
	Two cutlers	One constantly emp'd by the principal surgeon in keeping the surgical instruments in order. The other making and grinding knives, scissors, &c., &c.
	One cooper	Constantly employed by Mr. Laycock, the storekeeper, in the provision store, his dwelling-house, &c., &c.
	Eight sawyers	Cutting boards, rafters, girders, &c., for the different boats and buildings; sunk pits at Long Cove for the convenience of timber.
Miscellaneous.	Twenty-four men making of bricks.	Made 12,000 bricks $\frac{1}{2}$ week.
	Six do making of tiles ...	Made 3,000 tiles $\frac{1}{2}$ week.
	Two overseers and twelve men to two timber carriages.	Bringing in timber for the sawyers, dockyard, &c.
	One overseer and ten men to four carts.	Bringing bricks to the several buildings, grain to the store, &c.
	Three men splitting of laths	Split 2,000 laths $\frac{1}{2}$ week.
	Two do. splitting of shingle	Split 2,000 shingles $\frac{1}{2}$ week.
	Three barbers, one saddler and harness-maker, one bellman.	Shaveing all the servants of Government; making and repairing harness, collars, &c.; giving public notices.
	One bookbinder	Binding books for the Commissary's office.
	One sexton	Tolling the bell, digging graves, &c., &c.
	One miller and one assistant	Attending the windmill, grinding wheat for the store.
	Two basket and sieve-makers.	Making and repairing baskets and sieves.
	One watchmaker	Repairing and keeping in order watches, &c., &c.
	One gardiner and two labourers.	Employed in the garden belonging to Government House.
	One printer	Printing public orders, notices, &c., &c.
	One millwright	A disabled man; superintending the building of the windmill.
	One master and five men ...	In the Sydney, schooner, carrying provisions to the Hawkesbury, bringing grain, cedar, &c., from thence.
	One master and eleven men.	In H.M. schooner the Francis.

PUBLIC WORKS.

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RETURN of Labour at Sydney, &c.—*continued.*

1797

1 Jan. to
31 Dec.

Men Employed.	Work Executed.
Thirty-six constables and watchmen.	At Sydney, the brickfields, and all the adjoining districts.
Two overseers and twenty men.	Cutting posts, rails, and rafters, splitting of piling, loading and unloading of ships, longboats, repairing the roads, stowing the store, &c., &c.
One coxswain and eight men.	Belonging to his Excellency the Governor's boat.
One coxswain and four men.	In the longboats, carrying of provision to Paramatta, and bringing of grain, boards, &c., from thence.
One ropemaker and one assistant.	Makeing of cordage out of curryjong.
One executioner and one assistant.	This man had two people allowed to his farm for his services, he being a free man.

AT PARRAMATTA, 1797.

Nine carpenters, wheelwrights, barrow-makers, and labourers.	Made a new felons' goal, double-logged and thatched a barn at the Ninety Acres, a new stockyard compleat, with a picket fence, and pennis for diseased cattle; repaired the intire of the park fence; built a new bridge over Duck River, which was before impassable; built a house in the Governor's garden, 25 feet long and 12 feet wide, for the gardiners; made doors and window-shutters for the military barrack; built a skilling to Mr. Atkins's house; repaired the inside of the common hutts; repaired and new floored the barn at Constitution Hill.	Carpenters.
Thirteen blacksmiths, tin and hammermen, file-grinders, locksmiths, and labourers.	Made 44 steel mills, 220 hoes, 57 shovels, 43 spades, 38 draught chains, 15 feet long each, 120 breeching-chains, 212 grubbing-hoes, 400 falling-axes, 1,800 harrow-teeth, 408 pair of hooks and hinges, 127 tommyhawks, 47 bricklayers' trowels, 6 surveying chains, 47 chimney and pott bars, 24 clawed hammers, 37 thatching-knives, 227 syckles, 4 sett of weights compleat (from one pound to fifty-six) for the store, 15 broad axes for the carpenters, 157 sawyers' dogs, 24 sledge-hammers, 37 cart axle-trees, 27 pitchforks, 47 pair of beetle rings, 28 saw tillers, 27 shingling-hammers, 15 door locks and keys, 45 padlocks and keys; repaired 76 padlocks; made streaks and nails for the carts, timber carriages, and waggons.	Blacksmiths.

1797

RETURN of Labour at Sydney, &c.—*continued.*

1 Jan. to 31 Dec.	Men Employed.	Work Executed.
Masons.	One mason, one plaisterer, and two labourers.	Plaistered and whitewashed the house of the Rev'd Mr. Marsden, the hospital and surgeons' houses, Mr. Livingston's, and all Gov't hutts; built a chimney and repaired a house for the residence of the Provost-Martial when at Parramatta upon duty; do. for Mr. Barrington, the High Constable; whitewashed the grannary; paved a yard for Mr. Atkins; built a chimney and repaired the house of Mr. Broughton; repaired, plaistered, and whitewashed the military barrack and guard-house; do. the houses of Messrs. Hume and Jameson, superintendents; made 63 grindstones, and broke out stone for various uses.
Miscellaneous.	One overseer and four men	Constantly collecting, cleaning, and burning shells into lime.
	One overseer and four do.	Burning charcoal for smiths, &c.
	Eight sawyers	Cutting boards, scantling, girders, &c., for various uses.
	Three tailors	Made 76 pair of trowsers, 148 frocks, 28 jackets, 15 pair of breeches, and 400 bags; occasionally at other work.
	Two shoemakers	Made 98 pair of shoes, soled 147, and repaired 312 do.
	One overseer and ten men.	Bringing timber to the saw-pitts, charcoal to smith's, loading and discharging of boats to and from Sydney, mangrove for the wheelwrights, provisions to Toongabbee, &c., &c.
	Twelve men makeing of bricks.	Made 6,000 bricks per week.
	Six men, with oxen, to two timber carriages.	Bringing timber to the saw-pitts, boards from thence, &c.
	Four men, with oxen, to two carts.	Bringing wood to the guard-houses and barracks, brick to the several buildings, grain to the store and to the wharf, for Sydney.
	Two barbers	Shaveing all the servants of Government.
	Two bakers	Bakeing for do. do.
	One gardiner and two assistants.	At the garden belonging to Government House.
	One man	Att'g to ring the bell that assembles the people to work.
	Eighteen men	In care of Government cattle.
	Eight men	Old and feeble, taking care of hutts when the people were at work.
	One do.	Made 6 dozen of brooms per week.
	One do.	Makeing and repairing sieves and baskets.
	Eighteen constables and watchmen.	At Parramatta, the north boundaries, and the adjacent districts.

PUBLIC WORKS.

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RETURN of Labour at Sydney, &c.—*continued.*

1797

1 Jan. to
31 Dec.

Men Employed.	Work Executed.
AT TOONGABBIE.	
Seventy-four men ...	Made a large shed for cattle ; built a new barn, 80 feet long and 20 wide ; shingled and weather-boarded it ; made and put up corn-binns ; repaired the house of Mr. Fitzgerald, the superintendant ; built an oven for the public baker ; built chimnies and repaired all the Government hutts ; hoed up, burned off the weeds, and prepared for wheat 299 acres 2 r. 19½ p. ; do. for maize, 112 a. 2 r. 23 p. ; sowed 842½ bushels of seed wheat ; the women weeding, &c.
One barber ...	Shaveing all the servants of Government.
One thatcher ...	Thatching of hutts, wheat-stacks, &c., &c.
One miller ...	In charge of the steel mills.
Seven men ...	Takeing care of Government cattle.
Four men ...	Old and feeble, takeing care of the hutts when the people were at work.
One shoemaker ...	Repairing shoes.
One taylor ...	Repairing jackets, trowsers, &c., &c.
One man ...	Getting wood and water for the guard-house.
Eight constables ...	In charge of the barns, wheat-stacks, grannaries, storehouse, preserving the peace, &c., &c.
One do. ...	At George's River.
Four do. ...	At the Hawkesbury.

JNO. HUNTER.

LIVE STOCK.—31st December, 1797.

Live Stock.

Horses.	Mares.	Horned Cattle.		Hogs.	Sheep.		Goats.	
		Bull and Oxen.	Cows.		Male.	Female.	Male.	Female.
26	58	132	195	4,247	743	1,714	781	1,495

LAND IN CULTIVATION.—31st December, 1797.

Land in
cultivation.

Acres in Wheat.	Acres for Maize.	Acres in Barley.
3,961½	1,527	26½

1796

MEMORIAL OF COMMISSARY PALMER.*

4 Jan. The memorial of John Palmer, Commissary of Stores and Provisions to his Majesty's settlement in New South Wales,—
Sheweth—

Commissary
Palmer.

THAT your memorialist was appointed Comm'y as aforesaid on the 12th of April, 1790, by Arthur Phillip, Esq., then Governor-General of the said territory, and confirmed in that appointment by his Majesty the 2nd day of June, 1791.

His services.

That your memorialist prior to that appointment had served twenty-two years in his Majesty's navy, during which period he had suffered considerably by having been captured in the course of the American war, and by the loss of his Majesty's late ship *Sirius*, of which your memorialist was at that time purser.

That your memorialist, at the time of his appointment in April, 1790, as aforesaid, was assured by Governor Phillip that he was not to consider the salary annexed thereto as permanent, but that after a few years discharge of the duties of Commissary (which at that time were far less extensive and important than they now are) he would then have a claim upon Government for an increase of salary, or some emoluments adequate thereto.

Expansion
of his
department.

That your memorialist, from the encreasing numbers in the colony since his first appointment, and from the many settlements since established (so distant from the seat of Government) where provisions, stores, &c., are obliged to be deposited, and regularly issued, and where considerable purchases of grain are of necessity made yearly, has been compelled to entrust the management thereof to persons who are by no means qualified for the same, or capable of keeping their accounts in the manner prescribed by your Lordships, which has been the source of infinite confusion and trouble to your memorialist.

Outlying
settlements.

That your memorialist, not having the assistance necessary to enable him to discharge the various duties of the department committed to his trust (now become very extensive, and of great importance) is prevented from paying that personal attention to the different and distant settlements which he has ever been anxious to do, and which he conceives would be highly conducive to the interests of his Majesty's service.

Hunter
informed.

That your memorialist, previous to his departure from New South Wales, in September, 1796, by letter of the 29th of August of that year, represented the above circumstances to his Excellency Governor Hunter, requesting at the same time that he would be pleased to lay the same before your Lordships, which your memorialist has every reason to suppose his Excellency has complied with.

* This memorial was addressed to the Right Honourable the Lords Commissioners of his Majesty's Treasury. It was dated 4th January, 1798, at which time Palmer was in London.

That your memorialist hopes your Lordships will take into consideration what is above stated, and see the necessity of his having such assistance in his department afforded him as will enable him to comply strictly with your Lordships' directions for the good of his Majesty's service. 1798
4 Jan.

That your memorialist now prays your Lordships will be pleased to consider the peculiar circumstances of his situation and his past services, and grant him such addition to his present salary, and such assistance in his department, as those services and that situation may to your Lordships seem to merit. An increase in salary.

And your memorialist, &c.

JOHN PALMER,
Commissary.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.*

Sydney, New South Wales,

My Lord Duke, 10th January, 1798. 10 Jan.

Since I had the honor of writing your Grace upon the concerns of the colony by the ship *Britannia*† (*vid* Canton), duplicates of which letters I herewith transmit, I had occasion to send the small Colonial schooner to Norfolk Island, and I have heard from thence.

The commanding officer‡ there complains that they are without wheat, and informs me that the settlers on the island are afraid to risk any attempt to raise that grain, from the ill success which has heretofore attended all their efforts; that in consequence of their endeavours to increase their breed of swine their consumption of maize has been so great that they are become short of that grain also. For these reasons he requests that I will give him a discretionary power occasionally to raise the price of fresh pork, by way of encouraging a proper attention to and care of that stock; but this desire I have not judged expedient to comply with, conceiving it may insensibly lead to inconveniences of some extent. Condition of Norfolk Island. The price of pork.

The settlers have petitioned me to the like effect, and also to be permitted to build a vessel for navigating between the island and this place; but as I do not think the reasons urged in their petition are of sufficient weight, and I suppose that the same rage for traffic which prevails here has already reached that island, and will in due time effect the ruin of the settlers there, as it has done many here, I have positively forbid the building a vessel. Ship-building.

Enclosed§ is my letter to the commanding officer on the subject of his complaints, and paper No. 2, which I have sent to be made public. They certainly labor under very great inconveniences, and are exposed to numerous impositions in the purchase of such

* The Duke of Portland's reply to this and subsequent letters of Governor Hunter will be found under date 5th November, 1799.—Post, p. 733.

† The *Britannia* sailed from Sydney in company with the *Ganges*, in August, 1797.

‡ Captain Townson.

§ The enclosures are missing.

1798
10 Jan.
Profits of
merchants.

articles as are occasionally sent from hence for sale there; but that is an hardship which I have it not in my power to remedy or remove. True it is that they generally exact an advance of five hundred per cent. upon the price charged here, and that is seldom less than an equal increase on the original value, so that the labor of twelve months will go but very little way in the purchase of those trifling comforts which, until they arrived here, they may have been all their lives accustomed to receive. This, your Grace will see, is a very hard case, and, no doubt, furnishes ground for discontent.

Advantage
of a public
store.

If what I have said and taken the liberty to suggest in my letter No. 25,* relating to the establishment of a public store on account of Government, should be adopted, a branch of that store might be fixed upon Norfolk Island, and I am convinced that the Government might be very moderate, and by a very small advantage might, thro' the means of such a store, lessen the expence of maintaining the convicts; and was such a store established, I would recommend that a certain quantity of spirits be sent, for the purpose of putting an entire and decided stop to the importation of that article by any but through the immediate channel of Government. In short, my Lord, I confess myself at a loss what means to devise for preventing the importation of this article in large quantities by individuals.

Improvising
implements.

The public labor on Norfolk Island, as well as at this place, is now very slowly carried on, for want of a supply of those stores which have been long solicited. At this time, my Lord, I am obliged to order the iron bars from the windows of various buildings to work up into tools and implements of husbandry, and we make nails from old iron hoops. These various wants your Grace will pardon my mentioning so often.

Survivors
from the
Endeavour

In the accounts received from Norfolk Island, I am informed of an American snow,† which had refitted here, having called there and landed thirty-five people who had been left at Dusky Bay, in New Zealand, when the ship Endeavour was wrecked there, about twenty months before. As I had long been apprehensive that some of these people might still be in that melancholy situation, upon the master of this American having offered to go thither and take off such people as he might find, and land them upon Norfolk Island, on condition that I would permit his taking from the wreck what stores he might want, I refused my sanction to his taking anything from the wreck, but said he might make what terms he could with the people he might find belonging to her, and that I would give him a letter to the commanding officer upon Norfolk Island to permit his landing these people there. The

landed at
Norfolk
Island.

* Ante, p. 219.

† The American vessel was called the Mercury (Collins, vol. II, p. 45). The Endeavour, in consequence of her unseaworthy condition, was abandoned at Dusky Bay, by Captain Bampton, in October, 1796.

service he has performed under many difficulties, and has sent me a copy of his agreement with those unfortunate people whose deplorable situation for so long a time had given me much concern.

1798

10 Jan.

I have now to inform your Grace that on the fifth day of September last, as our largest and best boat,* belonging to Government, was on her way to the Hawkesbury River, carrying thither a few stores, and to bring from thence some articles wanted here, a service on which she was constantly employed, she was taken possession of by a part of the crew, assisted by a few men in another boat, who threatened the life of the coxswain and all who dared to oppose them. They put him and three others on shore at Broken Bay, and went off with the boat we know not whither. And as another party of those villains went off some time after in another boat, and the very men who were landed from the first, as unwilling to go, were a part of the second gang, I am of opinion it had been a long concerted plan. Not having any fit vessel to pursue upon such occasion, I dispatched two row-boats, well armed; the one went about sixty miles northward† along the coast, and the other forty miles southward, but without success, a gale blowing soon after the escape of the second boat, which obliged the officer in pursuit to land upon the coast. There is every reason to believe that the last party have perished, as the vessel was very feeble.‡ Most of those people were of the last Irish convicts.

Runaway convicts.

Having very little land carriage yet, for want of a sufficiency of large cattle, all our business between the different districts is necessarily carried on by boats. We shall consequently be liable to such desertions for want of fit craft to send in pursuit. I am now endeavoring to build one.

Water-carriage.

A third attempt was preparing soon after the second, of which, having gained some private information, I was enabled to take steps for counteracting them. They were suffered to make their preparations until the night on which they were to have departed, and I then collected the whole of the constables and seized a party of fourteen, together with a large deposit of sea stores. I sent for them the next day, and spoke to them in public upon the madness and folly of their scheme. They received a severe corporal punishment, and are now kept to hard labor. I trust this disappointment will serve to discourage similar attempts in future.

An abortive attempt to escape.

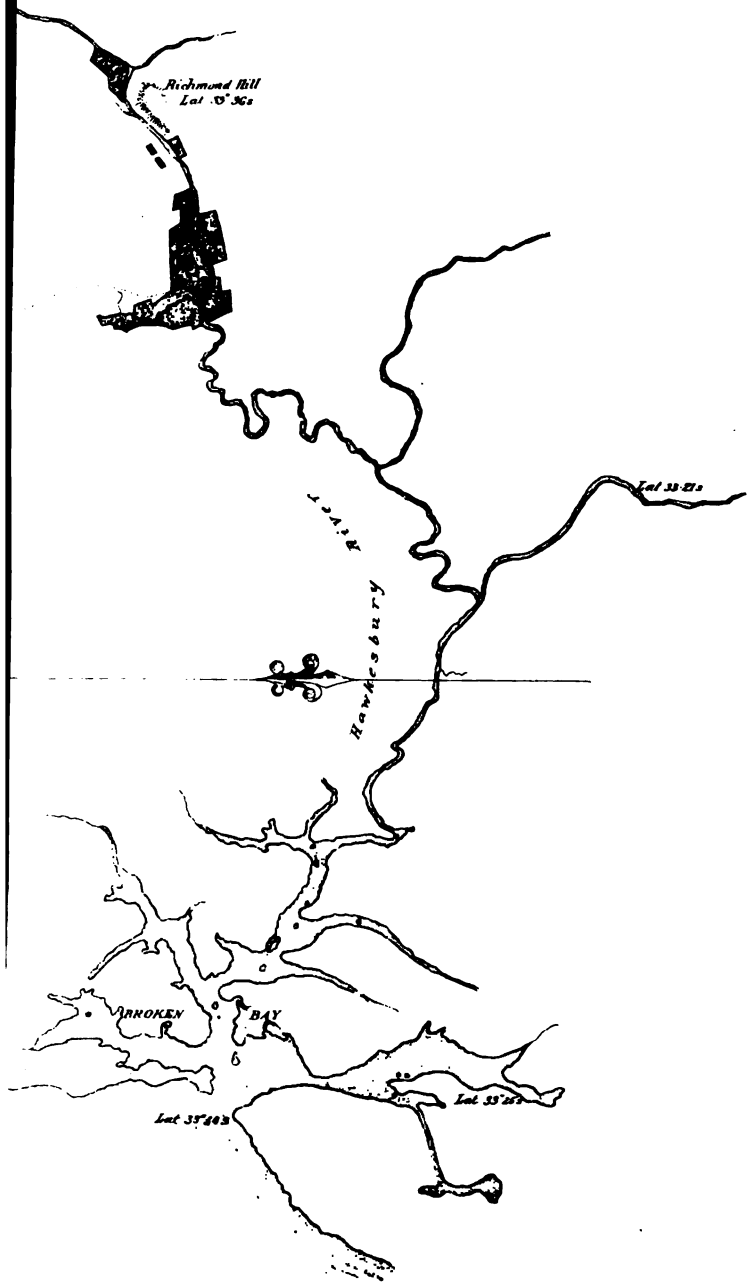
These desertions will in some degree serve to show your Grace that the opinion which I ventured to give in my letter, No. 27, relative to the proposed plan for catching and curing fish for the

* The Cumberland. An account of the seizure is given by Collins (vol. ii, p. 47).

† This boat was in charge of Lieutenant John Shortland, son of Lieutenant Shortland, the naval agent in charge of the transports of the First Fleet. It was on this trip that he discovered Hunter River. As early as June, 1796, the existence of coal at what is now known as Newcastle had been demonstrated by some fishermen who had been forced to take shelter there. For Lieutenant Shortland's subsequent movements see the *Naval Chronicle*, vol. xxiv.

‡ These people remained at large until March, 1798. For an account of their movements see Collins, vol. ii. pp. 52, 78, 94, 99.

- 1798 use of the colony, is not wholly without foundation.* I must beg permission to observe that the lenity and compassion pressed in England for the survivors of those who went off the King's boat in the year 1791,† I fear may have contributed to encourage similar attempts now. Had those people been sent and tried in this country for taking away the boat, and for perpetrating of other robberies upon that occasion, we should have any schemes of that kind projected now.
- 10 Jan. Reflections on attempts to escape.
- List of deserters.
- The Supply and the Reliance.
- Settlers' letters.
- Trading officers.
- Ruined settlers.
- I send enclosed, No. 3, a list of the deserters; respect'g w^h have written to the commander-in-chief of his Majesty's sh^{ip} the East Indies, because I think it probable they may have directed their course that way.
- In my letter No. 27 I mentioned the entire condemnation of his Majesty's ship Supply. I am now sorry to add that the infirm and leaky state of the Reliance has obliged me to leave her, and to give her such repairs as our strength admitted. The chief concern is that the length of time requisite for such repairs has completely lost the season for returning to the Cape of Hope for another cargo of live cattle, and has much retarded other public works. My complaints relative to the state and condition of those two ships, from which I expected to derive much benefit to this colony, I have made to the Admiralty and Navy Boards. It is therefore not necessary to trouble you further upon that subject.
- I enclose for your Grace's perusal a letter, No. 4,§ which I lately received from the settlers in one of the districts. I have also received similar petitions from those of the other districts, in which they complain of the prices charged them by the dealers to be still higher than those in the enclosed paper. The prices being out of all reason exorbitant, what may we call the prices on Norfolk Island?
- From this paper, my Lord, you will discover how necessary it is that their distresses be considered, and that some means be devised for relieving them in the purchase of such European articles as they require.
- Notwithstanding the vast number of settlers as appears in the register, I see clearly, my Lord, that unless some measure be established for putting an effectual stop to the trading of the officers and others, and consequently to the immense prices of time to time imposed upon the articles in requisition, instead of our cultivation encreasing I fear we shall raise less grain next year. The settlers are so frequently ruined, their crops mortgaged, their persons imprisoned, and their families beggared, and
- * Ante, p. 234.
 † Hunter evidently refers to the escape of William Bryant and his companions, in 1791.
 ‡ This list is missing.
 § The letter from the settlers is missing, but one apparently of similar purport found at p. 367, post.





back upon the public store to prevent starving through the heavy debts they contract, having no other means to which they can apply, that their ground by this means becomes useless for the want of strength to work it. 1798
10 Jan.

These considerations have determined me to use every effort in my power to render Government as far independent as possible of the farms of individuals ; but to accomplish that completely will require many years, and many hands with many additional officers, particularly when it is considered what was the state of the colony when it fell into my hands ; however, the efforts of vigorous exertions are every year more and more apparent, and I shall consequently raise all the grain I can. Efforts to reform.

I have begun with such strength as I am possessed of to clear some ground for Government, the distance of near three miles from Parramatta, in a very beautiful situation ; and a few of the marine settlers are fixed upon the banks of a river which empties itself into Botany Bay, where the land promises well ; but as I shall now furnish your Grace with a small chart, originally constructed by myself, and which I have corrected in an excursion I have lately made to the southward, your Grace will find these places pointed out.* Settlers on George's River.

On this excursion I was highly gratified to fall in with an herd of our wild cattle, in which sixty-seven in number were counted ; but having the former year seen a greater number together, I am of opinion they divide into separate herds. This conjecture was confirmed soon after by the return of a few officers, who had taken the same rout. They fell accidentally upon, I believe, the whole herd together, for they were too numerous to be ascertained, but they judged them to be about one hundred and seventy. This is highly probable. Wild cattle.

A small river has been lately discovered by a boat I had occasion to send northward in pursuit of the deserters ; it is about sixty-five miles from this part ; on its south shore and near the water a considerable quantity of coal was discovered, and specimens were brought hither. As soon as the public service will admit of my absence from hence, I propose to go thither in a boat and examine this discovery myself, after which your Grace shall be more particularly informed. Hunter River.

There was a considerable quantity of coal discovered to the southward of this harbour,† and I directed it to be examined ; specimens were accordingly brought, which I sent to Sir Joseph Banks by the last China ship. This coal is very good, but difficult to attain, being a strata or vein of an immense steep cliff. Coal Cliff.

* The chart is reproduced, with the exception of the lettering, which has been made more legible ; with this exception it is an exact reproduction, on a reduced scale, of the original. Ante, pp. 237, 239. The coal was originally discovered in May, 1797, by three survivors of the party which left the wreck of the Sydney Cove and attempted to walk to Sydney.—Appendix A.

1796 near the sea, extending eight or nine miles along the coast south-
 10 Jan. ward, nor, unless we can find some little harbour near, can we
 hope to derive any great advantage from it.

Were I to close this letter without begging permission to draw
 your Grace's attention for a moment to a matter which I conceive
 of some importance to this colony, I should accuse myself of
 neglect of duty. I mean to observe, my Lord, that if so large a
 proportion of these lawless and turbulent people, the Irish convicts,
 Irish convicts. are sent into this country, it will scarcely be possible to maintain
 that order so highly essential to our well-being. Those whom we
 have received from that country within the last year have com-
 pletely ruined those whom we had formerly received from England,
 who, although extremely bad, were by no means equal in infamy
 and turbulence to the others until mixed with them, which it is
 Perjury. impossible to avoid. The shocking crime of perjury is now become
 so common that it is difficult to bring the most atrocious criminals
 to justice. Permit me to hope, my Lord, that your Grace will
 consider this evil, and, as far as possible, have it corrected by a
 less proportionate supply of such characters. Our numbers, and
 the infant state of this colony, will not admit of its being filled up
 wholly with the very worst of characters.

I hope that such of the civil officers of the colony as are absent
 from their duty may by this time be on their return, for I am
 exceedingly in want of the assistance of the whole of them. My
 task has become so extremely arduous and fatiguing that I clearly
 The fatigues of office. see the impossibility of a single individual being capable, with
 justice to Government, to attend to the whole of the intricate
 concerns of this colony.

I am of opinion that your Grace will soon discover the neces-
 sity (if Government is to continue to farm so extensively and to
 Government farms and herds. have numerous herds of cattle) that some very respectable persons
 be appointed to have the immediate care and superintend the
 management of those respective and valuable concerns; for to
 suppose it possible that, in the extended state and concerns of
 this colony, the Governor, who has so multiplied a variety of
 duties to do, can possibly attend those, will only be found to occa-
 sion much loss, and create an expence far beyond the value of
 such appointments.

Permit me, my Lord, before I conclude this letter to recur to the
 expences which your Grace has observed is occasioned by this colony,
 and on which subject I also some time past heard from the Treasury.
 Expendi-
 ture.

Suffer me to assure your Grace that the drawing of bills for
 expences incurred in this colony, however necessary and unavoid-
 able they have hitherto been on my part, is the only duty which
 in a long service of his Majesty I ever performed with reluctance;
 it occasions to me a labour and anxiety of mind which very far
 surpasses all the fatigues of the body.

It fell to my lot, my Lord, to undertake the business and management of this colony at a most unfortunate period, not only on account of the mother country being engaged in an expensive war, but that its own internal concerns were in a state that I do not wish, after what I have already said, to repeat, further than that they have occasioned much expence to the nation, which no human wisdom could put an immediate stop to ; indeed, my Lord, it requires time to conquer the difficulties I allude to.

1798

10 Jan.

An
explanation.

I have in a former letter stated generally from whence those expences arise. I must again take the liberty of adding to those remarks that your Grace may not have adverted to the original allowance of provision issued to the people having been composed of various articles. Now, having nothing to issue but the salt provision sent from England and the wheat rais'd in the country, it becomes necessary to cover every other deficiency with an additional quantity of wheat, which makes the expence of that article very considerable. For this expence bills must be drawn here. You will discover, my Lord, that whilst we continue to have so great a demand for this grain we cannot expect so early as we could wish to reduce its price ; but were those articles which originally constituted a part of the common ration sent us from England as formerly, we should have less occasion to purchase so large a quantity. But I must beg to be understood, my Lord, as not wishing that Governm't should be at this expence whilst we can raise a substitute in this country, but merely to explain that if the articles were sent this expence would not appear in the name of the Governor ; but from this vast demand, occasioned by the chief part of the ration being wheat, the produce of the whole season is scarcely sufficient to bring round the fresh crops. I was this last season on that account obliged to shorten the allowance for a time. As far as I can venture to speak from my own judgment and observation, I do not hesitate to consider this country for the produce of wheat, and probably much other grain, as good as any I ever knew ; and that capable and industrious people, as farmers, instead of the worthless set we have had, would have made wonderful progress in a very few years.

Provisions.

Purchase of
grain.The soil
productive.

I must beg that your Grace will take into consideration another great cause of the expence with which your Grace appears dissatisfied. That instead of those buildings which were necessary being raised, whilst there were artificers in the colony, and at the disposal of Government, I found those formerly erected for various purposes in ruins ; the whole towns of Parramatta and Toongabbee, which were built for the reception of convicts, upon their arrival, were absolutely in decay. If these undeniable truths are not sufficient to account for much of our expences, I must be at a loss what arguments to use. What was therefore left for me to attend to was evident. I must repair and build without delay, to prevent

State of
public
buildings.

1798 that distress, that loss and expence, which must certainly have
 10 Jan. attended any indifference on my part. These facts are too obvious
 to many on the spot to render any studied arguments of mine
 necessary to prove what vast sums might have been saved by a
 timely attention to matters of so much importance. My hands,
 through these and other means, have been most completely tied
 up from those concerns which your Grace has recommended an
 attention to, and which I well know the importance of ; in short
 my Lord, I can only repeat my observation that the colony fell
 under my direction at a most unfortunate period, and in a very
 unpleasant state, from various causes, all of which I trust I shall get
 the better of, if I keep my health and your Grace is satisfied that
 nothing will be wanting on my part to promote the public interest.

The
consequence
of neglect.

The Scotch
Martyrs.

The opinions* of the Lord Advocate and the Lord Justice-Clerk
 of Scotland relative to the men sent from thence for sedition were
 highly satisfactory to me.

Enclosed is a petition from Norfolk Island, No. 5,† which I beg
 to lay before your Grace.

A church.

I cannot help observing, my Lord, that this colony has now
 been a long time established without a proper building for the
 clergy to perform divine service in, which is really a disgrace to
 us as a Christian colony, and had not my hands been so tied up
 a church should have been raised long since ; but being weak in
 public labour, and in danger of considerable loss for the want of
 proper public buildings, I have not been able to attend to so neces-
 sary a work, except by involving considerable public expense. I
 trust, however, that I shall very soon be able to lay the foundation
 of a church.‡

Ship-
building.

The ship Supply being completely condemned, I have taken
 the liberty to lay down the keel of a small brig, for the purpose of
 keeping up the necessary intercourse with Norfolk Island in the
 absence of the Reliance; but we shall want stores if I should be
 able to complete her, which I have no doubt off. She will be
 from one hundred and twenty-five to one hundred and fifty tons
 burthen.

I have, &c.,

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

10th January, 1798.

Parole—Java.

Countersign—Malacca.

Certificates
of freedom.

NOTICE is hereby given that certificates will be granted at the
 Commissary's Office, in Sydney, on Friday, the 26th instant, to
 such people as appear to have completed their time of servitude
 in this country.

JNO. HUNTER.

* Ante, p. 111 *et seq.* † This petition is missing.

‡ The first church was burnt down on Monday, 1st October, 1798; (post, p. 496). It was the
 one built by the Chaplain during Grose's Lieutenant-Governorship. See also Collins,
 vol. ii p. 129.

GOVERNOR KING'S COMMISSION.*

1798

LIEUTENANT-GOVERNOR KING, of Norfolk Island, is to go out to New South Wales with a dormant Commission as Governor-General.

10 Jan.

Lieutenant-Governor King.

GOVERNMENT AND GENERAL ORDER.

19th January, 1798.

19 Jan.

Parole—Amiable.

Countersign—Virtuous.

THE severe sufferings of those infatuated people who carried away a boat belonging to Ramsay, a settler, have been such as we hope will deter others from making any such attempt hereafter.† One of the men who did belong to the boat, and was carried away against his will, having returned to this place in an extraordinary way and wretched condition, has given us a circumstantial account of their sufferings. Finding it impossible to agree amongst themselves (which will ever be the case where engaged in a bad design), and being in a most melancholy situation for want of food, one-half the crew, through the principle of self-preservation, have deceived the other, and have left them upon a desolate island on some part of this coast, the situation of which we cannot ascertain, where therefore they must inevitably perish. It is well known that the whole would gladly have returned to Sydney, and submitted to any punishment short of death; but they had forfeited their lives by the ill-advised step they had taken. Those who have got possession of the boat belonging to Owen Cavenagh will, in all human probability, share a similar fate.

Escapees.

Their hardships and probable fate.

The Governor, desirous of opening the eyes of many of the ignorant people of this colony to their own interest and happiness, particularly those who have lately arrived in it (for he does not find any others so wicked, so lost to a sense of their own comforts, as to be concerned in such mad and extravagant schemes), has thought proper to state briefly the situation of those ill-fated people, and also to shew that he is desirous of giving every information which can contribute to render them contented with their present lot, and dispose them to that industry which in this country will insure them every moderate enjoyment. His Excellency, from having understood that some of those people lately arrived here from Ireland, and whose ignorance makes them the sport of more wicked and designing knaves, have picked up, some how or other, an idle story of the possibility of travelling from hence to China, or finding some other colony where they expect every comfort without the trouble of any labour, has, to convince them of the folly and absurdity of such opinions, and also as far as possible to prevent that loss of life which must certainly attend every attempt

New arrivals.

The way to China.

* Reprinted from the *True Briton* of 16th January, 1798. The text of the Commission will be found on p. 381, post.

† This was the seizure made on the 2nd October, 1798.—Collins, vol. 2, p. 52.

1798 to discover this fancied paradise, ordered from among those discontented people four men of their own choice, and on whose story they can depend, to be supplied with what provision they can take, and to travel into the country as far as they are capable.

But to prevent their perishing, which would certainly be their fate if left to themselves, he has ordered two men, long accustomed to the woods and intimate with many of the natives, to accompany them, that in case of their repenting of their attempt they may be brought back to tell their own story.* It may not be improper to mention that one of these men who now go as a guide,† when living many months amongst the mountain savages, fell in with many dead bodies of men whom the natives assured him were white men who had perished there, and we know they were some of those ignorant people who had left this place in search of some other, where they idly supposed and believed they would be more happy.

Dying in the bush.

The Governor judges it necessary now to declare, that after having taken so much pains and trouble to prevent those ignorant men from being misled by more wicked and mischievous villains, and to convince them wherein their real interest and happiness lays, that if his endeavours prove ineffectual, and any such wild and madlike plans are hereafter laid or attempted, that whoever are concerned shall receive such severity of punishment as may probably prove a stronger argument against such schemes than any other he can use, and he will find for such people a situation in which they will not have much time to employ in hatching mischief.

A warning.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

22 Jan.

22nd January, 1798.

Parole—Pay. Countersign—Honestly.

Labourers' liabilities.

SEVERAL complaints having been made to the Governor by people who are in the habit of giving credit to such artificers as are hired into the service of Government, that they find much difficulty in recovering payment of those debts contracted by those people, and

* Hunter put this scheme into execution. On the 14th January, 1798, the party, accompanied by a guard of four soldiers, started from Parramatta. They reached as far as the foot of the mountains, when three of the convicts, convinced of their error, returned with the soldiers, after an absence of ten days. The guides, evidently acting under instructions, pushed on, and did not return until the 9th February. According to the account of one of the party, a free man, "who was capable of giving an account of the occurrences of the journey" (Collins, vol. ii, p. 87), they started from Mount Hunter on the 24th January, and during two days travelled fourteen miles in a S.S.W. direction. From thence they continued for five days, taking a W.S.W. direction for ninety-two miles until they were stopped by hunger and "the head of a river very nearly as large as the Hawkesbury, appearing to run from S.E. to N.W."—*ib.*, p. 90. The journal of one of the party will be found in Appendix C, post.

† Evidently the man Wilson, to whom Collins frequently alludes.

DEFAULTING DEBTORS.

353

as many of them are far less honest than they ought to be, they frequently contract debts to a much greater extent than the earnings of their labour can discharge. 1798 22 Jan.

This Public Notice is therefore given for the prevention of impositions of this nature, that the Governor has given directions that such men be paid their wages at the Commissary's office on the last Saturday of every month. Such persons as have any claim upon them are at liberty to attend on those days and take such steps for the recovery of their just debts as the law will furnish. A monthly pay-day.

JNO. HUNTER.

LIEUTENANT-GOVERNOR KING.*

27 Jan.

LIEUTENANT-GOVERNOR KING, of Norfolk Island, is shortly to go out to Botany Bay with a dormant Commission as Governor-General, in case of either the resignation or death of the present Governor Hunter. Lieutenant-Governor Grose, whose right it was to succeed to the Chief Governorship, is made a colonel in the Army, so as not to interfere with Mr. King's appointment, which he receives thro' the interest of Sir Joseph Banks, whose collection he has much enriched. Lieutenant-Governors King and Grose.

GOVERNMENT AND GENERAL ORDER.

29th January, 1798.

29 Jan.

Parole—St. Lawrence.

Countersign—Quebec.

A GENERAL muster of all the inhabitants of the colony is intended to take place at Sydney, Parramatta, and the Hawkesbury, and to commence at each of those places on Wednesday, the 14th of February, on which day all the labouring men, whether free or otherwise, are to appear and answer to their names. On the following day (Thursday) all the settlers will be called, and on Friday the women will be mustered. It is expected that every person do strictly attend at the store of the district in which they reside. Any failure on their part will be considered as a disobedience of Public Orders; the person so offending will be immediately secured, and ordered to hard labour, in proportion to the manner and degree of their offence. A general muster.

The surgeon will answer for such sick as are incapable to attend.

JNO. HUNTER.

* Reprinted from the *Dublin Evening Post*, Saturday, 27th January, 1798. King's dormant Commission, dated 1st May, 1798, will be found on p. 381, post.

1798

5 Feb.

JUDGE-ADVOCATE DORE TO SIR MICHAEL LE FLEMING.*

Table Bay, Cape of Good Hope, from on Board the *Barwell*,

Dear Sir Michael,

Monday, 5th February, 1798.

Dore's
appoint-
ment.His testi-
moniale.

Having done myself the honor of writing you previous to my departure from England, informing the result of my applications to Government, in being appointed Judge-Advocate of New South Wales, to which destination I am with my son Richard thus far on our passage, I trust you will not be surprized at receiving a letter from me at this distance, nor deem it a liberty that I should obtrude on you my further correspondence, since your silence to the last letter above aluded to, of him you always honored with your friendship and esteem. I much wished that you had been in London at the time this appointment was proposed to me by Mr. Baldwin, as you might have furthered my prospects. However, the references given by me for my professional knowledge and my moral character his Grace the Duke of Portland was pleased to approve, and the King signed my Commission.

Thus far have I embarked in a cause for those where my own comforts must sacrifice to their future welfare, which must console my lot.

The *Buccleugh*, East Indiaman, sails from Simon's Bay, Capt. Hall, to-morrow, and the short notice I have of forwarding my letters for England by that conveyance precludes me the opportunity of premising a more formal letter to you.

A deserving
case.

Impelled from motives of humanity, I submit to your consideration the peculiar hardship of a transport convict, William Lindsay, now on board this ship under sentence to Botany Bay for life. He was a farmer near Kendal, and the cause of his complaint in the present instance is invariably true. The cruel injustice he suffers from the nefarious villainy of William Busher, gaoler, of Appleby, Westmorland, calls aloud for the interposition of that justice it remains with your magisterial authority and power to dispense.

A well-
behaved
convict.

Lindsay has been informed that at the time of his trial you interested yourself for him, as also the Duke of Queensberry (having a sister in his Grace's service), and from his being capitally convicted hence his sentence was mitigated. He further has been informed (and he believes) that this interest procured him a conditional pardon for his serving in his Majesty's navy. The man has conducted himself with great propriety on board, and deserved well of confidence; insomuch, that he is at liberty in the ship, and entrusted with care of the live stock, considered as one of the captain's servants.

The case I have briefly stated, with no farther comments than the facts he now details to me at writing this; from whence the

* Printed from the Rydall Hall MSS., No. 5,092. The MS. was obligingly copied and placed at the disposal of the Government by the Rev. Dr. Magnath, Provost, Queen's College, Oxford.

conduct of Busher, the gaoler, is extremely reprehensible, and his villainy cannot be too severely punished.

1798

5 Feb.

Should you incline to mention this business to your att'y, Mr. Harrison, he will remember Lindsay, and the active part he took at the trial; also, intimating your benevolent endeavour to save him from death.

From your humane cognizance of this man's distressed situation, I beg leave further to add, that should you prove the means to recover the property thus cruelly withheld from and justly due to Lindsay from Busher, you will have the goodness to order the payment of the same, or any part thereof, to Mr. Sykes, Arundel-street, Strand, London, my agent, to be transmitted through his hands to my accounts, and forwarded me to Port Jackson in specie, for the use of Wm. Lindsay, a convict, which must prove a comfortable alleviation to his sentence.

A convict's property.

I will enclose you the particulars, and with my best wishes that your influence may prove propitious in assisting this oppressed man, and bring'g the miscreant gaoler to proper account, I conclude the subject I have thus tediously troubled you upon.

However unwilling I am to trespass on you with my prolixity, yet it may probably be expected I should say something on my change of scene. My apoin't bears date 9th September, 1797. Monday, 6th Novem.: The Barwell sailed from Portsmouth, bound for Botany Bay, with 296 male convicts, eighteen free settlers for the colony, thirty-one soldiery, crew, &c.; 422 total. We all arrived with the loss of three convicts only, after a passage of the finest weather ever known, in Table Bay, Cape Town, Jan'y 20th, 1798, where we are expected yet to remain a month longer. All healthy and well, and no reason for tarry or detainure. But the private trade of the master of these transports and the mates, &c., takes place of prosecuting their Governm't contract, and here are we kept till they vend their European comodities at the Cape at three, four, and five hundred per cent. profit.

Particulars of the voyage.

Private trade.

We sailed under convoy of the Niger, frigate, and sev'l other sail, all of whom we left at the Madeiras, but the Barwell being a remarkably fast sailer we got here long before them, altho' with calms and adverse winds we lost a fortnight. Sunday before last, however, the Virginie (one of them), Adm'l Christian, having on board Lord Mornington for India, arrived; and on Saturday the Belvidere came in, with Sir John Anstruther for India, &c. The Carron is also come in; but the Anne of Bombay, the Anna of Bengal, Serat Castle, and two or three other sail are not yet cast up. The fate of the Lady Shore* (Wilcox, master and owner), the last transport from England before us, with female convicts, before this reaches you will be known in London. The soldiers, chiefly Foreigners, rose and murdered the capt. and chief mate; took the ship for Spain, &c.

The convoy.

The Lady Shore.

* Post, p. 413.

- 1798** The Hope, brig, alongside us, is preparing as a cartel to demand her and crew, which the Spanish Gov't has officially written to the Cape shall be restored, having secured all prisoners. From the river Platt the mutineers in the boat turned adrift the second mate, Lieut. and En. of the soldiery, with some of their wives, and others, who reached Rio de Janeiro, where they are secure and sent to England, except the mate, who has bro't this acco't to the Cape.
- 5 Feb.**
- The mutineers and their victims.**
- Major Semple.**
- Semple, the notorious major,* and Knowles, the pardon-vendor, were the only male convicts on board, who, with a soldier serv't of Colonel Grose's, are said to have been the chief instigators of the revolt. We have not yet experienced anything very refractory—twenty-five in number had meditated a rise, when the sailors were aloft, to seize our cuddy arms and take the ship, &c., by the murder of us all—but one impeached the preceding evening, and in the morn they were call'd up and every soul double-ironed and coupled in pairs.
- Dore's comfortable quarters.**
- Habits of the inhabitants.**
- I have the best accommodations possible. The starboard side of the round-house, stern gallery, &c., for self and Rich.† I took a hairdresser's serv't from London with me. Have a good mess with the captain, and plenty of black strap and fresh provisions, which every day is served throughout the voyage; pigs, sheep, and poultry of all kinds being plentifully stored from the Isle of Wight when we embarked. Cape living is most vile—beef, carrion; mutton, soft and oily; nothing good, fruit excepted, which is in great abundance and cheap; cheese and butter, intolerably bad. Some charming women, admirable walkers, and expert in dancing and music. The men are Jews in nature; eating, drinking, smoking, and sleeping is their whole employ. Horses, the vilest of their kind. Multitude of soldiery, horse and foot. Lord Macartney, the Governor, on whom I waited, is ill of the gout, is about to leave the place and not liked—said to take part with the Dutch, and is not held in high favor with his own countrymen. We were the first to bring the news of Duncan's victory, and the Dutch here were hard of belief until the Gazette Extra was produced by us from England. The Cape is now enlivened with English consequence—Lords Macartney, Mornington, Sir John Anstruther, Admirals Pringle and Christian—the latter on arrival here shifted his flag from on board the Virginie to the Sceptre, and has since changed again to the Stately.
- It is suggested that the Cape Town, &c., will be given up to the East India Company by Government.

* Major Semple was almost as notorious a swindler as George Barrington. Dore was wrong in stating that Semple was concerned in the mutiny. He was turned adrift with the others in the ship's boat, and his conduct during and after the mutiny was highly spoken of by the survivors. From Brazil, Semple proceeded to Barbary, and entered the service of the Emperor of Morocco. In 1799 he offered to surrender himself to the British authorities, and proceeded to England for that purpose. Prior to his conviction he had held commissions in the French and Austrian armies.—Ante, p. 206 (note), and post, pp. 393, 414.

† Dore's son Richard.

The English here say that the Dutch inhabitants are opulent in the extreme, and here is a fine field for raisin(g) taxes, of which they are at present free. 1798
5 Feb.

The houses are spacious and good, with a multiplicity of windows in each. The town ill-paved or sandy, and streets narrow and confined; no inns or taverns. Private families take boarders, so that anyone going on shore pays two dollars (six shillings English currency) for meat, drink, washing, and lodging. Appearance
of Cape
Town.

The incoherent acco't I here give is hastily written, and being to dine with Cap. Wall, who will take my letters in charge for England, I must prepare for shore. Allow me to present you my most cordial and sincere respects, with best comp'ts to all, and believe me, as in truth I am, &c.,

R. DORE.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

Sir,

Whitehall, 6th February, 1798.

6 Feb.

You will receive this by the *Britannia*, transport, which carries out ninety-six female convicts, with provisions with them for nine months after their arrival in New South Wales. I have written to you so fully upon all matters relating to the settlement in my letters of the 31st August last* (a duplicate of which goes by this conveyance) that nothing further occurs to me to be noticed at present, except to repeat to you the instructions you have received not to permit any spirits whatever, without previous licence specifying the quantity first obtained, to be landed from any ship that may arrive within the limits of your Government, and to take such measures as shall be most effectual for preventing and punishing any attempts that may be made to smuggle spirits on shore. To guard more particularly against such a proceeding, I have apprized the Transport Board of the instructions in this particular, in order that they may give such directions, or enter into such covenants with the master of the transport, as may secure his obedience to the orders you may give in this behalf. The
Britannia.

Spirits.

You will receive under a separate cover a list of the convicts which go by this conveyance, with the original contracts entered into by the owner of the *Britannia* for their safe delivery in New South Wales, together with his Majesty's Order in Council for the transportation of those convicts whose sentences required such order. Convicts.

The *Britannia* will be almost immediately followed by the *Buffalo*, armed ship, which is to relieve one of his Majesty's ships now under your command. The *Buffalo* carries out (exclusive of one year's provisions for the two sloops on your station, and some live cattle for the use of the settlement, which she is to take in at the Cape of Good Hope) the several articles specified in the inclosed invoice,† for the use of the settlement. Opposite to each H.M.S.
Buffalo.

* Ante, p. 293.

† The invoice is missing.

- 1798 article is set down the prime cost of each article, and you *will*
 6 Feb. take particular care that, in disposing of any of the articles *to*
 Stores. individuals, the same shall be sold at the price at which they *have*
 been purchased here, free of any charge for freight. In *thus*
 disposing of any of the said articles you will, of course, consider
 yourself at liberty to take grain or live stock in return to *the*
 amount of the value of the articles.
- Settlers. The settlers of the trades particularized in the within list,*
 with their wives and families as also therein specified, will sail in
 the Buffalo; and I enclose you a copy of the terms upon which
 they all go out as settlers (except Mr. Lewin), and which terms
 you will not fail to fulfill.
- An artist. Mr. Lewin is a painter and drawer in natural history, and
 being desirous of pursuing his studies in a country which cannot
 fail to improve that branch of knowledge, you will allow him the
 usual Government rations during his residence in the settlement.

I am, &c.,

PORTLAND.

[Enclosure.]

TERMS OF SETTLEMENT.

London, 10th January, 1798.

- Settlers. WE whose names are hereunto signed do acknowledge that at our
 own request we have offered ourselves as settlers to go to New
 South Wales, with our families, on the following terms:—
- Free passage. To have a passage found and our families to be victualled by
 Government during the voyage. On arrival in the colony to have
 Grants of land, food, and clothes. the grant of one hundred acres of land at Port Jackson, or fifty
 acres at Norfolk Island. To be victualled and clothed from the
 public stores for the term of twelve months after being put in
 possession of our respective allotments, and to be allowed the
 labour of two convicts (maintained by Government) for the same
 term; after which we and our families are to be of no further
 expense to the Crown.
- Stock and seed. To have the same proportion of stock, seed, grain, and agri-
 cultural tools as have been furnished to other settlers, together
 with such other assistance as the Governor may judge proper to
 afford us.
- In witness whereof we have hereunto set our hands on the day
 above written.

JAMES THOMAS

JOHN BEAN.

JOHN HANSON.

WILLIAM WELLER-

THOMAS BRADLEY -

* This list is missing.

GOVERNMENT AND GENERAL ORDER.

1798

9th February, 1798.

9 Feb.

Parole—Philadelphia.

Countersign—Delaware.

THE Governor thinks it necessary to take some notice of an anonymous paper lately picked up of an infamous tendency.* As far as his name is mentioned it merits no attention, but for the sake of truth and justice he thinks it proper to say that the reward which he formerly offered for the detection of the authors or advisers of such false and scandalous publications he now again offers. This last paper being a libel upon the officers in this colony generally, it becomes an object of general concern to discover its author, in order that the law may have an opportunity of shewing its detestation of crimes of so dark and diabolical a complexion.

An anonymous paper.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord Duke,

15th February, 1798.

15 Feb.

I have for some time been in doubt whether the representation I am about to make to your Grace should be private or public, but on considering that it might occasion the adoption of some measure interesting to the concerns of this colony, I have preferred the latter mode.

A public letter.

In order that your Grace should have the earliest opportunity of taking into consideration the subject I am about to introduce, I could have wished to have been enabled to communicate it immediately.

To come without further preface to the point in question, I have to inform your Grace that the Irish convicts are become so turbulent, so dissatisfied with their situation here, so extremely insolent, refractory, and troublesome, that, without the most rigid and severe treatment, it is impossible for us to receive any labour whatever from them. Your Grace will see the inconvenience which so large a proportion of that ignorant, obstinate, and depraved set of transports occasion in this country by what I shall now state, and which has taken place since I wrote my letter No. 30, herewith forwarded.†

The Irish convicts.

In addition to their natural vicious propensities they have conceived an opinion that there is a colony of white people in some part of this country in which they will receive all the comforts of life without the necessity of labour. They have lately taken away two of our breeding-mares to carry them towards

Their attempts to escape.

* Collins (vol. II, p. 86) stated that in this "infamous and seditious anonymous paper"—"the Governor and every officer in the colony were most scurrilously abused and libelled, and accused of practising extortions in the way of trade." A similar paper was "picked up in the street of Sydney" in June, 1797.—Ante, p. 231.

† Ante, p. 348.

- 1798** that part of the country, and have made several attempts to possess themselves of others. This, my Lord, is a serious inconvenience to the colony. The loss of any part of our small stock of these useful animals is a matter of peculiar concern.
- 15 Feb.** A correspondence it seems has been carried on by these people from one district to another, and plans have been projected for their escaping from the colony, and a few have attempted by land, as well as by water, and for the want of our having early information they have succeeded. I have found it necessary to divide them as much as possible, to prevent such schemes being formed; but by this separation they have a better opportunity of irritating and inflaming the minds of those convicts who before such acquaintance have been found of better disposition.
- Communication between convicts.** Having already mentioned in my letter, No. 30, the escape of those who had taken away two of our boats, and the disappointment of another gang and similar attempt, I have now to inform your Grace of a far more numerous gang, who had provided what they thought necessary for their expedition, had fixed upon the place of general rendezvous, and were furnished with a paper of written instructions how they were to travel in point of direction from hence to this fancied paradise, or to China. This paper of directions will warrant my suspicion that some wicked and disaffected person or persons lurk somewhere in this colony, and I have done all in my power to discover them, but hitherto without success. Having received early information of the intention of this party, who were said to have increased to about sixty, I planted a party of armed constables, on whose vigilance I could depend, and they secured a gang of these Defenders of about twenty, and brought them to prison. The next day I spoke to them, but observing a considerable degree of obstinacy and ignorance about them, I conceived there could be no better argument used to convince them of their misconduct than a severe corporal punishment, which was inflicted, and they have since been strictly looked after at their work. Some of those fellows had been provided with a figure of a compass drawn upon paper, which, with written instructions, was to have assisted them as their guide. The ignorance of these deluded people, my Lord, would scarcely be credited if such positive proof of it were not before us, and yet (which seems to imply a kind of contradiction) it is extraordinary with what art and cunning they form their horrible plans of wickedness and villainy.
- Escape by sea.** In their schemes of desertion from the colony, their own death, if they succeed in getting away, is inevitable; but their minds have been worked up to such a pitch of folly, rashness, and absurdity, that nothing but experience will convince them; if we suffer them to escape into the country they are lost, not only to us but to the world, for perish they must.
- The way to China.**
- Capture of intending escapees.**
- Fate of escapees.**

For the sake, therefore, of humanity, and a strong desire to save these men, worthless as they are, from impending death, I ordered four of the strongest and hardiest of their numbers to be selected by the people themselves, and to prepare for a journey of discovery for the satisfaction of their associates, in order that they might have an opportunity of relating, upon their return, whatever they saw and met with. I had, farther, for the safety and preservation of those four, directed three people, long accustomed to the woods, and acquainted with some of the mountain savages, to accompany them; these men had also a little knowledge of the language of the savages, from having lived some months amongst them, and they were instructed to lead them back when, fatigued and exhausted with their journey over steep and rocky mountains, through thick and extensive woods, and fording deep and rapid rivers, they should feel disposed to abandon their journey. This plan was no sooner settled than I received information that a party of these miscreants had agreed with the four above mentioned to meet them at a certain place absolutely to murder the very persons intended to be their guides, and to possess themselves of their arms and provisions, in addition to what each was supplied with, and to take their own rout. These circumstances will, no doubt, appear to your Grace wild and extravagant; but after having mentioned their ignorance in the manner I have, it may serve to convince your Grace that there are improper persons in this colony who work upon that ignorance to a dangerous degree. In consequence of the information of this design against their guides, I ordered four soldiers to attend them to the foot of the first mountain, with orders how to act if any others attempted to join them; none appeared, and the whole of the men returned with the soldiers, most completely sick of their journey.*

1798

15 Feb.

Teaching
them a
lesson.An
expedition
into the
interior.Accom-
panied by
soldiers.

Our flocks and our crops, my Lord, are all I feel any concern about; strict, rigid, and just punishment shall constantly hang over these delinquents, and this, I trust, they are already convinced of. I hope the return of the above three, and the story they can tell, will serve to make them more contented with their present lot, and open their eyes to the comforts which in this country they may derive and enjoy, and which are certainly superior to any they ever possessed in their own.

Flocks and
crops.

Strange as such instances of human ignorance and depravity are, I have to inform your Grace that a small party of those very people, some short time after, actually contrived to make their escape, and after travelling for many weeks through the country,

A party of
convicts
escape and
reach
Botany Bay.

* Collins (vol. ii, p. 78) states that only three of the men returned with the soldiers. One man expressing a resolution to persevere and penetrate further into the country, he was left with the guides. From the account given by the guides after the convicts returned, they penetrated about 106 miles S.S.W. and W.S.W. from Mount Hunter, until they came to a river running from S.E. to N.W.—Ante, p. 352 (note); and Appendix C.

1798 made shift to reach the sea-coast, near Botany Bay, but in a part
15 Feb. where no boat had ever been seen. Providentially, however, a boat had lost her way in going to George's River, and found those unhappy, deluded wretches on a place where they had been nine days, and where they must soon have perished but for this miraculous event. They were brought back almost exhausted for want of food, and from sad and powerful conviction have promised to warn their countrymen against such wild excursions in future.

Convicts
return to
Broken Bay.

I will here take an opportunity of mentioning that those men who had left a part of their crew upon an island to the southward, and had returned and taken a larger boat at Broken Bay, and had been wrecked upon the coast to the northward, built out of the ruins of their vessel a small boat, in which they reached the above bay; but not being able to possess themselves of another fit for their purpose, were, for want of food, driven to the necessity of travelling across the country: they wrote to me, but it was impossible to listen to their feigned story: they were armed, and carried some appearance of an intention to defend themselves; they, however, surrendered themselves up, and were tried, and severally pleaded guilty of the robberies wherewith they were charged, and two out of the six suffered death—an awful example, which, I hope, will have a proper effect, and prevent such attempts in future. Several of them assured me they had seen the wreck of the first boat—which I mentioned in my letter No. 30—and it is very probable the crew have perished. I have, &c.,

An awful
example.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

19 Feb.

19th February, 1798.

Parole—Canning. Countersign—King.

The ration. THERE being no more sugar in store, the Commissary is directed to issue a pound and half of wheat in lieu. JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

24 Feb.

24th February, 1798.

Parole—Stewart. Countersign—Galloway.

Clothing.

THE Commissary is directed to issue, on Saturday next, the 3rd of March, the following slop cloathing to such men as are in the service of the Government or intitled to them from some other circumstance:—1 jacket, 1 shirt, $2\frac{1}{2}$ yards of duck, 1 pair of shoes, $\frac{1}{4}$ lb of thread, and $\frac{1}{4}$ cake of soap. As after this issue the store will be destitute of every article of cloathing, it is hoped and expected that those who receive them will endeavour to make them last as long as possible.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1798

Sydney, New South Wales,

My Lord Duke,

1st March, 1798.

1 March.

The tedious repairs which his Majesty's ship *Reliance* necessarily required before she could be put in a condition for going again to sea hav'g given an opportunity to Mr. George Bass, her surgeon, a young man of a well-informed mind and an active disposition, to offer himself to be employed in any way in which he could contribute to the benefit of the public service, I enquired of him in what way he was desirous of exerting himself, and he informed me nothing could gratify him more effectually than my allowing him the use of a good boat and permitting him to man her with volunteers from the King's ships. I accordingly furnished him with an excellent whaleboat, well fitted, victualled, and manned to his wish, for the purpose of examining along the coast to the southward of this port, as far as he could with safety and convenience go. His perseverance against adverse winds and almost incessant bad weather led him as far south as the latitude of 40° 00' S., or a distance from this port, taking the bendings of the coast, more than of six hundred miles. He coasted the greatest part of the way, and sedulously examined every inlet along the shore, which does not in these parts afford a single harbour fit to admit even a small vessel, except a bay in latitude 35° 06', called Jarvis's Bay, and which was so named by one of the transport ships, bound here, who entered it, and is the same called by Captain Cook Longnose Bay.* He explored every accessible place until he came as far as the southernmost parts of this coast seen by Captain Cook, and from thence until he reached the northernmost land seen by Capt. Furneaux, beyond which he went westward about sixty miles, where the coast falls away in a west-north-west direction. Here he found an open ocean westward, and by the mountainous sea which rolled from that quarter, and no land discoverable in that direction, we have much reason to conclude that there is an open strait through, between the latitude of 39° and 40° 12' S., a circumstance which, from many observations made upon tides and currents thereabouts, I had long conjectured.†

Bass's
voyage to
the south.His
equipment.The absence
of harbours.The south
coast.

It will appear by this discovery that the northernmost land seen by Captain Furneaux is the southernmost extremity of this coast, and lays in latitude 39° 00' S. At the western extremity of Mr.

Western
Port.

* Long Nose Point was the name Captain Cook gave to the inner north head of Jarvis Bay. The point is that given in the Admiralty Charts as Dart Point. Cook noted in passing that a bay existed, but did not give it any name. Lieutenant Bowen, when he entered the bay in August, 1791, in the transport *Atlantic*, named it Jarvis Bay, after Sir John Jarvis, under whom he had seen considerable active service in the Navy.

† When commenting upon his voyage in the *Sirius*, from Sydney to the Cape, for provisions, in 1788-89, Hunter remarked that no land was seen to the westward, between Furneaux Group and the southernmost known part of the coast of New Holland; and he surmised, from the fact that they had an easterly set of current with a N.W. wind, that there was either a very deep gulf or a strait which separated Van Diemen's Land from New Holland. — Hunter's Journal, pp. 125, 126.

- 1798
1 March.
- Bass
Blowery
seven
captured
convicts*
- confined to
an island*
- five
hundred
miles from
Sydney*
- Bass
returns.*
- A barren
country.*
- Wreck of
the Sydney
Cove.*
- Bass's coasting voyage he found a very good harbour; but, unfortunately, the want of provision induced him to return sooner than he wished and intended, and on passing a small island laying off the coast he discovered a smoke, and supposed it to have been made by some natives, with whom he wished to have an opportunity of conversing. On approaching the shore he found the men were white, and had some clothing on, and when he came near he observed two of them take to the water and swim off.* They proved to be seven of a gang of fourteen who escaped from hence in a boat on the 2nd of October last, mentioned in letter No. 30,† and who had been treacherously left on this desolate island by the other seven, who returned northward. The boat, it seems, was too small for their whole number, and when they arrived at Broken Bay, and they boarded another boat in the Hawkesbury with fifty-six bushels of wheat on board, they went off with her northward, leaving the old boat on shore.*
- These poor distressed wretches, who were chiefly Irish, would have endeavoured to travel northward and thrown themselves upon his Majesty's mercy, but were not able to get from this miserable island to the mainland. Mr. Bass's boat was too small to accommodate them with a passage, and, as his provision was nearly expended, he could only help them to the mainland, where he furnished them with a musket and ammunition and a pocket-compass, with lines and fish-hooks. Two of the seven were very ill, and those he took into his boat, and shared his provision with the other five, giving them the best directions in his power how to proceed, the distance being not less than five hundred miles. He recommended them to keep along the coast the better to enable them to get food; indeed the difficulties of the country and the possibility of meeting hostile natives are considerations which will occasion doubts of their ever being able to reach us.*
- When they parted with Mr. Bass and his crew, who gave them what cloaths they could spare, some tears were shed on both sides. The whaleboat arrived in this port after an absence of twelve weeks, and Mr. Bass delivered to me his observations on this adventurous expedition. I find he made several excursions into the interior of the country wherever he had an opportunity. It will be sufficient to say that he found in general a barren, unpromising country, with very few exceptions, and were it even better, the want of harbours would render it less valuable.‡*
- Whilst this whaleboat was absent I had occasion to send the Colonial schooner to the southward to take on board the remaining property saved from the wreck of the ship Sydney Cove, and to take the crew from the island she had been cast upon.§ I sent in*

* Bass did not make any allusion to these escapees in his Journal.—Ante, pp. 312 to 323.

† Ante, p. 343.

‡ See Bass's own account of this voyage.—Ante, pp. 312-323.

§ See a full account of this shipwreck, Appendix A.

the schooner *Lieut. Flinders*, of the *Reliance* (a young man well qualified), in order to give him an opportunity of making what observations he could amongst those islands; and the discovery which was made there by him and Mr. Hamilton, the master of the wrecked ship, shall be annexed to those of Mr. Bass in one chart, and forwarded to your Grace herewith,* by which I presume it will appear that the land called Van Dieman's, and generally supposed to be the southern promontory of this country, is a group of islands separated from its southern coast by a strait, which it is probable may not be of narrow limits, but may perhaps be divided into two or more channels by the islands near that on which the ship *Sydney Cove* was wrecked.

1798

1st March.

Bass Straits.

Having had occasion in my letter No. 31† to mention the persons sent to the interior of the country with a few of the discontented Irishmen, I have further to observe that after the return of those men the three guides whom I had directed to proceed into and to make what observations they could upon the country they travelled over, they informed me when they arrived, from a journal which I had given them directions to keep, and to mark every day, that they had been to the south-west of Parramatta more than one hundred miles, and found several hills in which were considerable veins of salt, of ten and twelve feet, and they described the country to be in some places highly beautiful and fit for cultivation; in others very poor and sterile, frequently intersected with narrow but rapid branches of fresh-water rivers, over some of which they were obliged to swim; others were fordable.

Exploration
of the
interior.

I have had occasion to send a second time thro' this part of the country in search of our herd of wild cattle, which it was reported had been by these lawless deserters driven from their former station or feeding-place. To insure, therefore, such information on this head as I could depend upon, I sent a person in whose account I could place confidence, and I understand from him that they found the cattle a few miles from their former spot, and distinctly counted a flock of one hundred and seventy in number; nor was that the whole of them, as appeared by their meeting afterwards with a few stragglers.

The wild
cattle.

They brought specimens of the salt, which appeared to be a good deal impregnated with the earth in which it was discovered.

I have, &c., JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord Duke, Sydney, N. S. Wales, 2nd March, 1798.

2 March.

After what I have communicated with respect to the frequent misfortunes and ruin of many of our most established

Circum-
stances of
the settlers.

* Unfortunately, this chart has not been preserved; but one, apparently by Flinders, showing part of the tracks of Bass in the whaleboat, Flinders in the *Francis*, and Flinders and Bass in the sloop *Norfolk*, is reproduced.—Appendix B.

† Ante, p. 359.

- 1798 settlers, it may be thought unnecessary to add anything further
 2 March. on that subject ; but the consequences which attend the meeting
 of our Court of Civil Judicature every time it has occasion to be
 assembled affect our prosperity as a colony in this distant part
 of the world so much that I have conceiv'd it right your Grace
 should have the most unreserved information respecting our con-
 cerns, and also of the steps I conceive proper to pursue for the
 general good. Having found from the frequent bankruptcy
 of some of our oldest settlers that they have labored under heavy
 grievances and distresses, at the last general muster (February)
 I called the settlers together, and desired they would lay a clear,
 candid, and just statement of their distresses and hardships before
 me in writing, in order that I might be enabled to consider of
 the best mode of relieving them as far as it might be in my power.
 They were thankful, and assured me that their distresses were
 great. I directed two gentlemen (the Reverend Mr. Marsden and
 Mr. Arndell) to visit the different districts, to convene a meeting
 of the settlers to hear their grievances, and to take them down in
 writing.
- An inquiry
 instituted.
- Statement
 of the
 settlers.
- Your Grace will, therefore, judge of them by the enclosed
 paper, which was drawn up by themselves and laid before those
 gentlemen, to be forwarded to me.* From every district I have
 received a similar representation of hardships, and, at the same
 time, their opinions respectively of the most effectual means of
 relieving them. I have since met and informed them what steps
 I had taken, and what measures I intended further pursuing for
 their relief and happiness. They were thankful and pleased with
 the proposals I made to them.
- The high
 prices of
 necessaries.
- You will observe, my Lord, how impossible it is for people
 laboring under such circumstances ever to prosper or become
 independent and happy ; nor will the expences of this colony
 be reduced whilst the price of all the necessaries of life are so
 immoderately high. I am in hopes that such a step as I have
 suggested (if adopted) will be found to reduce the weighty ex-
 pences of the colony, and render the people more happy, stimulate
 them to industry, and make them more opulent.
- Traders'
 profits.
- At this time, my Lord, we have many dealers ; those and such
 of the officers as are concerned in trade pocket the whole produce
 of the laboring part of the settlement, by the extravagant prices
 charged for those commodities—indeed, they are but too much
 engaged in this way—I wish it were otherwise ; but whilst this
 destructive system prevails the unfortunate laboring man has no
 means of relief.
- The report
 of Marsden
 and Arndell
- Your Grace will also receive herewith the observations of the
 two gentlemen upon the different districts they visited and collected
 from the questions which I had desired them to put to the settlers,
 and their own remarks upon the spot.†

* Enclosure No. 1.

† Enclosure No. 2.

It is my intention when the present excessive heat of the sun is a little abated again to visit the respective districts in person, and to do all I can to encourage the settlers to perseverance and patience until your Grace shall have pointed out the most efficient means for alleviating their distresses, and exonerating the colony of such a combination of dealers, a circumstance as truly essential to its well-being as any step that can be taken, and this, I apprehend, will be best done by carrying into execution some of the measures I have submitted to your Grace's consideration. I have, &c.,

1798

2 March.

Hunter's
visits in
person.

JNO. HUNTER.

[Enclosure No. 1.]

SETTLERS' PETITION TO HUNTER.

The grievances and complaints of the settlers of the Field of Mars stated, the 19th February, 1798 :—

WE, the settlers of ye above district, being this day convened before the Revd. Samuel Marsden and Mr. Thomas Arndell, surgeon, they having been appointed by his Excellency Governor Hunter to attend for the purpose of learning what grievances we labour under. His Excellency, in order to remove every difficulty and obstacle that mars the happiness of settlers, have directed them to give in a fair and candid state to him of such difficulties as they complain.

The settlers'
statement.

The settlers of ye above district beg leave to approach y'r Excellency, and most gratefully acknowledge y'r goodness on this occasion, as y'r immediate interposition will save us from gliding down that precipice on which we have so long stood. You have confidently informed us that you will pursue every method that may be likely to conduce to our happiness and interest. We will therefore point out to y'r Excellency ye source of our misfortunes, and what has almost entailed upon us beggary. We will also point out the method by which they can be effectually abolished, and which in a short time will relieve us from that load of misery under which we are groaning. It rests with y'r Excellency alone to remove every evil of which we complain, and as they are many in number we flatter ourselves that a specific statement of them will be most satisfactory. We will therefore begin by observing ye exorbitant prices that are charged for every article that a settler has occasion to use.

Their
confidence
in Hunter.

Tobacco.—This is an article that is more in use in this colony than even in Virginia, where it grows ; ye consumption in one yr. amounts to some thousand of pounds. A wholesale dealer in this colony purchases it at from eightpence to one shilling and sixpence per pound, yet, shameful to be told, he never retails it at less than five shillings per pound, and at this moment none can be had for less than from ten shillings or fifteen shillings per pound, and still there is abundance in the colony.

Tobacco.

- 1796
2 March
Sugar. *Sugar.*—This very essential article is purchased from the captains of ships at sevenpence and from that to thirteen pence per pound, and it's a fact not to be denied that before such captains is fortnight's sail from Port Jackson ye very same sugar is retailed at two and sixpence and three shillings per pound, and at this time can't be had for less than five shillings per pound.
- Tea. *Tea.*—Not less essential than the former article, and which comes to ye hands of ye wholesale dealer at from five shillings to ten shillings per pound. With equal extortion is this article vended—fifteen shillings and twenty shillings as soon as it's landed, and at this period can't be had for less than forty shillings per pound, even common bohea.
- Luxuries. It has been observed by opulent men in this colony that tea and sugar were luxuries to which a settler ought not to aspire. A most egregious error indeed, because the settlers who obtain those articles upon moderate terms use but little animal food, and consequently is enabled to employ additional assistance to cultivate his ground, and it is not to ye settler alone to whom sugar and tea becomes useful, but ye labourer also.
- Soap. *Soap.*—That is necessarily wanted by everyone, and which is generally purchased by the traders from on board of ships at from ninepence to one shilling and sixpence per pound, is no sooner landed in their stores than they retail it at two shillings and sixpence, and now can't be had for less than three shillings and sixpence per pound.
- Clothing. *Cloathing* of every kind decency requires us to use, and of which there is an abundance in ye colony; but at such extortionate prices that settlers can't attempt to buy them." Coarse callico purchased at about tenpence per yard ye retailer considers it moderate at three shillings per yard. Cape goods, hardly fine enough for horse-wrappers, not less than from five shillings to seven shillings per yard.
- Spirits. *Spirits.*—Generally purchased at from five shillings to ten shillings per gallon is now vended at fifteen shillings per bottle.
- Expectations of the settlers. Having thus far observed to y'r Excellency ye price for which ye different articles that we necessarily want are bought and sold, you will readily perceive that our grievances are great, and that ruin has been pending over our heads too long unperceived and by far too long without redress. Heaven has now sent y'r Excellency as the angel of our deliverance; you will abolish ye evils of which we complain, and by so doing you will raise up to y'rself a pillar of fame; you will also raise us up from ruin and distress; y'r humanity will for ever be extolled; y'r penetration and love of justice will be recorded down to future ages. To you all the avenues of our hearts are opened, and we fear no

reproaches. You have desired us to speak our sentiments without reserve; you have by so doing merited our candour, and we trust in y'r protection if our sentiments appear bold. 1798
2 March.

Thus confiding, we beg leave to proceed and lay before you a plan by which in future ye grievances complained of never will appear. Suffer us, therefore, to say that as the colony is now infested with dealers, pedlars, and extortioners it is absolutely necessary to extirpate them. We hope to prove to y'r Excellency the real necessity of their abolition; they are the engines of our destruction. Can it be otherwise; their extortion appears from what we have already stated. They are snares for settlers; some, for want, entreat of them to give credit for a pound, and if he succeeds it is at ye expence of drinking £5. This perhaps will point out to you want of conduct in ye settlers, yet let necessity plead his excuse. But by what means has a publican in his power to give credit? Is the property he sells his own, or is he agent for a better man, or rather a richer man than himself? Let the colony bear testimony of this. It's well known there is not one amongst them brought a penny to the colony, and in the course of two or three years they can mount a saddle-horse, ride out to a farm and reckon three or four hundred of goats which they call their property. The traders and pedlars. Their original condition.

Your Excellency no doubt would wish to be informed how it is possible for them to amass such a fortune. It's partly accounted for—and further, when the labouring man receives his hire in wheat he goes to ye publican to obtain articles in exchange. It is then observed to him with a sneer, "I don't want wheat, but I'll take yours at seven shillings and sixpence per bushel, and give you tobacco at fifteen shillings per pound." This is the only place where such an article can be had, and ye crafty dealer knowing this holds to his price. The secret of their fortunes.

At this rate a labouring man pays at least thirteen shillings per bushel for wheat, and sells it for half the sum; ye prime cost is ten shillings, and by going any distance ye loss of his day's work is equal to three shillings more. This same wheat is resold at twenty shillings per bushel. The price of wheat.

It is from this evident to y'r Excellency that if settlers had articles to pay for labour in lieu of grain, ye lab'r would not only save the above difference, but ye settlers' work would not be neglected. It is also productive of another evil—ye labourer not being able to live by industry, he resorts to his former line of life and plunders the honest settler. The sober and honest settler, who ought to be considered as the chief support of the colony, is by such means often in want of the common necessities of life, while an illiterate grog-shop-keeper is rolling in every luxury that the colony can afford. Obstacles to honesty.

To put an end to such practices, let us request of your Excellency to permit us to become the purchasers of a proportionable part of

1798
2 March.
—
A plan
proposed by
the settlers.

a ship's cargo. We will place in the hands of an agent what little payments remain from our ruined property for that purpose, and should it not be sufficient for to pay for a proportionable part of the cargo, your Excellency can run no risk in advancing in the name of Government what may be deemed deficient; our grain we will make forthcoming to you as your security. Our long state of oppression reduced us to raise the whole sum at our first onset, yet if y'r Excellency will but secure to yourself our grain there is no manner of doubt but that a short time will enable us to summount all our difficulties. It may be said that some few are indebted to individuals upon the colony who would be rigorous in enforcing payment, but if such a mode as we have pointed out should be adopted no doubt but we should soon be enabled to satisfy their demands.

Purchasing
cargoes.

If it meets y'r Excellency's approbation to adopt this plan we have no doubt but you'll afford us some house room for the cargo, and when an agent is appointed that will give sufficient security for his conduct and management, that he will follow such direction as to you shall seem meet consistent with our contract, and first we beg leave to observe,—

That it appears highly necessary, when the purchase is made, that y'r Excellency be furnished with an inventory or invoice of the cargo and price, and that agreeable to such price you will establish a fixt price by which it is to be retailed by settlers and dealers (if any there be).

Division of
cargoes.

That no settler ought to draw more from the stores so to be erected than what will be necessary for cultivating his ground and for the use of his family; and in order to ascertain with precision what articles may be wanted for that purpose, that every settler do give in an account of what number of acres he intends to cultivate, and that this plan be followed throughout the colony, extending to the opulent as well as the indigent; the necessity of this will soon appear to y'r Excellency, for if trade is suffered to be carried on as formerly all our hopes will soon vanish.

We hope y'r Excellency will view this representation in its proper light, and give such instructions in future as to you in your direction may appear proper.

We beg leave to subscribe ourselves, &c.,

THE SETTLERS ON THE FIELD OF MARS

[Enclosure No. 2.]

REPORT OF THE REV. SAMUEL MARSDEN AND ASSISTANT-SURGEON ARNDELL.

General Remarks on the District of Parramatta.

Settlers at
and near
Parramatta.

THE settlers of this district are in better circumstances in general than any other in the colony, but this is altogether owing to their

local situation. That they labour under the same general grievances as the rest of ye farmers is evident from their own statement. 1798

2 March.

From their vicinity to ye town of Parramatta they derive some very material advantages as farmers. They can cultivate their land at a much less expence than ye inland farmers, as the prisoners employed by Gov't about ye town are very ready to work for them when their Govern't task is done, not having any distance to go to their labour; it is well known this is a very great advantage. Local advantages.

They are also near ye market with their grain, and at a very trifling expence they are able to lodge it in his Majesty's store, while the inland farmer is sometimes at a great loss, and always at a great expence, in bringing his grain to market.

They have another essential advantage from their situation—ye vending of their vegetables—potatoes, turnips, &c.—to the inhabitants of Parramatta; hence it is evident that their local situation gives them such advantage over ye inland farmer, which makes all the difference in their circumstances, and no other cause whatever.

General Remarks on the Districts of Concord and Liberty Plains.

THE land in Concord District is more rich and fertile than any we have visited, tho' not so good in Liberty Plains. The settlers at Concord informed us that they had from twenty to thirty bushels per acre of wheat this season. Tho' their ground in general is very rich, yet the farmers in it are very poor and greatly involved in debt, and are now living upon credit. Most of them have no seed wheat, and have every appearance of approaching ruin. Should a ship arrive with any articles of consumption, they can't raise a single pound in the two districts. We have found no district so very poor as those, the Ponds excepted, which has been long settled. Under their present circumstances they will not be able long to hold their lands, but must shortly come to ruin and destruction. Fertility of the land. Poverty of the settlers.

Remarks on the District of The Ponds.

THIS district was amongst the first settled by Governor Phillip. It is a well-known fact that ye original settlers in this district received more live stock and manual labour from Government to enable them to clear their lands and cultivate their farms than it has been in the power of y'r Excellency to grant to others who have become farmers since your arrival. Many of the settlers and families were maintained from the public store for the space of three and four years, and had two or three prisoners allowed them to labour on their farms for the same time, who were both fed and cloathed from his Majesty's stores also. Notwithstanding the great assistance these settlers received in stock, provisions, and labour from Govern't, many of them have been long since ruined. That nefarious practice (which still threatens the annihilation of Advantages of early settlers. Food and labour allowed to them.

1798 this settlement) by encouraging their idleness and dissipation wrought their destruction. It appears from the report of the inhabitants of this district that amongst sixteen farmers who had grants of land given to them four only remain. Part of those settlers sold their lands to pay their debts, and others rented them from total inability to carry on cultivation. Some of these bankrupt settlers, in consequence of their desperate circumstances, are become dangerous pests to society, and others remain a burthen to Govern't to this very day. These are facts, and the fatal consequences attending upon the introduction of licentiousness and disorder amongst those unfortunate people. There are now seventeen landholders and settlers in this district, and 320 acres of land cleared. This land has been cleared at an immense expense; ye principal part has fallen upon Government. The greatest part of this land now lies in an uncultivated state, by reason of the poverty of those people who now possess it. When we called the meeting on the 20th of Feb'y, amongst the whole seventeen families they could not realize more than eighty bushels of wheat. This small quantity is all they have to depend upon for support and seeding their ground this season. It may be alledged by some that ye land in this district is poor, and that ye poverty of ye soil has been the ruin of the settler. In one or two instances this probably may have been the case, but it is by no means general. Many of them are fertile, fine farms; have produced good crops, both of wheat and Indian corn. It is our opinion that there is scarcely one single farm in this district but what would maintain its possessor and family if he was in a capacity of cultivating it. The price of articles and labour, which they so justly and loudly complain, renders it morally impossible for them to get forward and become respectable.

2 March

Bankrupt
settlers.

Good lands.

General Remarks on the Northern Boundary District.

SOME of the settlers in this district were settled also by Gov'r Phillip; they received similar indulgence from Government with the Pond settlers. There is only one of the old settlers now remaining—John Martin, a sober and industrious man, yet very poor; ye others are gone to ruin. Those who have had farms given to them a little before or since y'r Excellency's arrival still possess them. The recent advantages they have derived from Gover'nt in being maintained from the public store has enabled them hitherto to hold their lands, but unless some speedy steps are taken to remove their grievances, they, in the course of a short time, must fall a sacrifice, like their neighbours, to avarice and extortion. The present state of the cultivation of ye farms of those settlers who have been settled for two or three y'rs past sufficiently evince that no labour or industry have been wanting on their part to render themselves easy and comfortable; their grounds, in general, are

The original
settlers
ruined.Condition of
the farms.

in high cultivation, and their present crop of Indian corn very promising. At the same time, under such oppressive grievances as they now labour, they must fall headlong to ruin and destruction, and instead of their becoming honest, sober, and industrious members of society, aiding and assisting in their respective stations to maintain ye good order and quiet of the settlement, and contributing by their hard labour towards lessening ye expences of Government, they will be drove by want and desperation to practice their old vicious habits, and themselves and families will become again a burthen to the Crown. These remarks, as they strike us forcibly, we take the liberty to lay before y'r Excellency; ye facts stated are notorious, and ye inferences drawn from them are such as the wretched experience of many individuals in this colony have but too often confirmed.

1798

2 March.

Prospects of
farmers.

General Remarks on the District of Prospect.

This district was originally settled by Governor Phillip; there were not less than twenty grants of land given by him. All those persons Governor Phillip indulged with a farm 'tis well known were selected as men of general good character; none but ye industrious and sober were allowed to become farmers; they also received similar indulgence with ye other districts from Gov'r Phillip. At ye time he left the colony ye settlers in every district were in a promising way of doing well and of supporting themselves and families, but upon his leaving ye settlement a material change soon took place in their circumstances. Those misfortunes were first occasioned by ye introduction of spirits and traffic amongst themselves. Out of twenty settlers who had grants of land originally given them by Gov'r Phillip in this district only six now remain; the rest have either sold or rented their lands from total inability to carry on their cultivation. The ground in this district in general is very rich and fertile, so that their ruined or embarrassed circumstances cannot be attributed to the barrenness of ye soil. Amongst ye present farmers and landholders of this district, ten of them had no seed for their ground with this season when we convened ye meeting: from this circumstance there is little reason to hope that they will be in a better state ye next year than what they are this.

The original
settlers at
Prospect.Evils of the
traffic in
spirits.

General Remarks on the District of the Field of Mars.

THE settlers in ye Field of Mars, who had grants of land given them by Governor Phillip, are in no better circumstances than those of Prospect and ye Ponds. Many of them have sold their farms, and those who still hold them are very poor. From the whole statement of the settlers, y'r Excellency will easily perceive that the ruin and distress of the farmer has been general in every part of the colony, and that those who have been longest settled

General
bankruptcy
of settlers.

1793
2 March.

are either ruined or most involved, with very few exceptions. The land in this district is not so good as in some others, ye banks excepted, which have been granted to different persons since Governor Phillip's departure; but the old settlers in every district are nearly upon the same footing with respect to their ruined circumstances.

*General Remarks on the District of Kissing Point.**

The settle-
ment at
Kissing
Point.

In this district there is a greater number of settlers than in any other. In general, they seem, from the advanced state of ye cultivation of their farms, to be very industrious men. This district is capable of producing a very large quantity of grain, provided the farmers in it were only able to carry on their cultivation.

Your Excellency will perceive from their own statement ye difficulties they have to contend with. We doubt not your penetration will view their representations in its proper light, and yr goodness adopt such measures as will remedy their grievances in future. Many of the old settlers in this district are also poor.

General Remarks upon the Whole.

Number of Original Settlers.	Number of Settlers remaining.	By whom Settled.	Name of District.
7	2	Governor Phillip	Parramatta.
10	1	"	Northern Boundary.
20	6	"	Prospect.
16	4	"	The Ponds.
8	3	"	Field of Mars.
12	5	"	Eastern Farms, or Kissing Point.
73	21	—	—

The first
settlers.

The foregoing is an exact statement of ye old settlers as we found them upon this enquiry. It may be proper to observe that ye first settlers were considered as men of general good character; the cause of their ruin and misfortunes may be easily traced in their own representations from the present involved state of the present settlers from ye enormous sums which are exhibited against them at the different Courts of Civil Judicature held from time to time. From the fall and ruin of their predecessors it may be fairly inferred that many of them can have nothing but approaching want and misery in view, the sale of their farms, and the ruin of their families. Under such circumstances the support and prosperity of the settlement must be very precarious. Unless some speedy and salutary measures are adopted to save the falling landed interest, it is our joint opinion ye expences of Government and the distress of the farmers will duly accumulate. The settlers

Their
impending
ruin.

* Ante, p. 188 (note).

are considered by many, who probably have never visited their farms or impartially weighed the difficulties they labour under, as idle, worthless characters, and that their own imprudencies are the cause of their misfortunes. This, in some particular instances, may be true; but it is our joint opinion that it is by no means general. Many of the farmers are sober, industrious men.

1798

2 March.

Sober and industrious settlers.

Their own representations sufficiently prove ye true cause of their grievances, embarrassments, and bankruptcies, and that their distress is more to be attributed to the hardships they labour under than their own imprudencies. We have now completed ye enquiry y'r Excellency requested of us to make to ye best of our judgment, and hope, from our investigation of the settlers' complaints and grievances, you will be able to derive all ye information of those circumstances and situation you wished for. We shall therefore, with all due respect, lay their representations before you, and beg leave to subscribe ourselves,

Results of the inquiry.

SAML. MARSDEN,
THOS. ARNDELL.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

Sir, Whitehall, 16th March, 1798. 16 March.

You will receive this by the Buffalo, armed ship, which, exclusive of the several articles specified in my letter of the 6th February (a triplicate of which I have transmitted to you by this conveyance), carries out the cloaths mentioned in the margin* for the use of the convicts.†

Clothing.

The lists of the female convicts which went in the Britannia, together with the original contract entered into by Samuel Enderby and his Majesty's Order-in-Council for the transportation of those female convicts who required the same, you will receive by the Britannia under a separate cover.

Lists of convicts.

The Porpoise, armed ship, which will follow the Buffalo early in the summer, will carry out several complete assortments of every article necessary for weaving coarse linen.‡ In the interim, therefore, I cannot too strictly enjoin you to take every possible means for encouraging the cultivation of flax, and learning such a number of persons how to weave as the number of looms with you and in Norfolk Island will allow of.

The Porpoise.

Sailors' frocks, such as are made of Russia duck, and which is a dress best adapted for the climate of the settlement, may very soon be provided on the spot by these means without the necessity of sending them from hence.

Sailors' clothing.

I am, &c.,

PORTLAND.

P.S.—Since writing this letter I am informed that the Buffalo is already full and loaded, and therefore that the supply of shirts,

The Buffalo.

* 7,773 shirts, 3,348 pairs hose, 2,566 pairs shoes, 3,848 hats.

† 96 in number.

‡ Ante, p. 334.

1798 hose, shoes, and hats mentioned in the margin cannot be sent by
 16 March. that vessel ; but that they will be shipped on board the Porpoise, together with the following provisions and slops, viz. :—Pork, 208,600 lb. ; sailors' jackets, No. 5,000 ; ditto frocks, Russia duck, 5,000 ; trowsers of ditto, 5,000 ; shoes, pairs of, 2,500.

UNDER SECRETARY KING TO PRINCIPAL SURGEON WHITE.

24 March. Sir, Whitehall, 24th March, 1798.

The
Principal
Surgeon's
salary.

I am directed by the Duke of Portland to acquaint you, in answer to your letter to me on the subject of your salary as Principal Surgeon at New South Wales, that, according to the general rule laid down in similar cases, you are entitled to one moiety only of the salary during your absence from the colony, and that the other moiety should be received by the person who acts in the colony as Principal Surgeon during that period. His Grace therefore conceives that you should pay Mr. Balmain the moiety that he has applied for, as you state that you have received the whole.*

I am, &c.,

J. KING

STATEMENT OF EXPENDITURE.

27 March.

Navy Office, 27th March, 1798.

The cost of
transporta-
tion.

AN ACCOUNT of all the expences that have attended the service of sending convicts to New South Wales and Norfolk Island from the year 1786 (the time of the commencement of the establishment of those settlements) to the year 1797, so far as the same are known or can be ascertained at this office. Prepared pursuant to the directions of the Right Hon'ble the Lords Commissioners of the Admiralty ; signified by Mr. Nepean's letter of the 27th February, 1798, amounting in the whole to the sum of £229,234 14s. 10d.

For these expences bills were passed in the years under mentioned, viz. :—

In the year.					Amounting to	Number of Convicts sent.
					£ s. d.	
1786	..	..	..	..	28,339 1 10	....
1787	..	..	..	..	23,779 7 1	778
1788	..	..	..	..	7,393 4 4	....
1789	..	..	..	..	39,586 3 4	1,351
1790	..	..	..	..	8,202 13 11	2,029
1791	..	..	..	..	47,356 0 0	406
1792	..	..	..	..	34,233 14 11	412
1793	..	..	..	..	21,410 13 7	....
1794	..	..	..	..	15,362 11 10	82
1795	..	..	..	..	3,569 4 0	....
					£229,234 14 10	4,960

* See Balmain's letter to Hunter of the 5th May, 1796.—Ante, p. 49.

A DECADE'S TRANSPORTATION EXPENSES.

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MEMO.—In addition to the foregoing, the expences incurred on his Majesty's ships sent on service to New South Wales is estimated to be as under, viz. :—

1798

27 March.

	£	s.	d.	
Sirius	50,993	0	0	Expences incurred on Government ships.
Supply, tender	20,685	0	0	
Guardian	22,924	0	0	
Gorgon	17,113	0	0	
	£111,715	0	0	

To which may be added the freight paid for the hire of the Dutch ship Waaksamheyd to bring home from New South Wales the officers and company of H.M.'s late ship

Sirius 4,924 9 11

£116,639 9 11

This is exclusive of the expences paid by the Commissioners for the victualling his Maj's navy, of which a separate account (it is understood) has been sent by them.

N.B.—Since the 31st August, 1794, this business has been conducted by the Transport Board.

GOVERNMENT AND GENERAL ORDER.

10th April, 1798. 10 April.

Parole—Avoid. Countersign—Infamy.

THE Commissary is directed to issue, on next Saturday, to the women the few remaining articles of slops which the store can afford, and it is recommended that they use every means for making them last until we can receive a supply from England.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

12th April, 1798. 12 April.

Parole—Repentance. Countersign—Contribution.

NOTICE will be given in a day or two what quantity of maize the public stores at Parramatta and Sydney will be ready to take in ; but it becomes necessary to inform the settlers and others concern'd in raising this grain that, as the price of wheat, which is exceedingly high, has been continued this year, in consequence of certain representations which are made to the Governor, he now informs them that Government cannot longer continue the high price of maize also. It is therefore to be understood that four shillings will be the price of the bushel of maize.

JNO. HUNTER.

1798

GOVERNMENT AND GENERAL ORDER.

21 April.

21st April, 1798.

Parole—Patience.

Countersign—Contentment.

The cost of living.

THE Governor having received a petition* from the settlers in general, in which they have represented the great distresses of labor under, as well in the high wages† of hired servants to work their ground as in the immense price they pay for every article they require upon that service, and requesting that the price of maize may, on that account, be continued as last year :

An order counter-manded

The Governor, sensible of their distresses, and desirous of listening to any reasonable application those distresses may induce them to make to him : He has now given directions to the Commissary to continue the last year price of maize ; but as it is no less his duty to reduce the heavy expences of this colony to the Government than it is his wish to render the situation of the industrious farmer easy and comfortable, they must look forward to a reduction of the price of grain of every kind before long.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

23 April.

23rd April, 1798.

Parole—Candid.

Countersign—Impartial.

The sale of grain monopolized.

THE settlers having at different times complained that the receiving of grain into the public stores when open for that purpose was so completely monopoliz'd that they could have but few opportunities of getting the full value for their crops ; that, in consequence of their being so frequently thrust out and disappointed at the granary, they had, from their poverty and distress, been often obliged to dispose of their grain for less than half its value, and that they were thereby constantly involved in debt and distress :

The Governor's orders on the subject.

Repeated Orders have been given on this subject that those who raise the grain should at all times have the preference in the public granary ; that those who were known to be poor and industrious, but distress'd by having large families, should be particularly favor'd upon such occasions. Such Orders have but too frequently been frustrated by circumstances which have not been known to the Governor. He therefore publishes this to say that he desires and expects a more constant attention to it in the department of the Commissary, and that there be no cause given in future for a repetition of complaints of such real grievance. If there are, he is resolved to take more serious notice of them.

JNO. HUNTER.

* The petition has not been preserved.

† Ante, pp. 189, 197, 204, 296.

STORES AND IMPLEMENTS.

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STORES AND IMPLEMENTS FOR NEW SOUTH WALES.

1798

ARTICLES in the Transport Storehouse at Portsmouth, originally purchased for the coast of France, and now proposed to be sent to New South Wales.*

25 April.

Stores for the colony.

Description.	Quantity.	Price.	Remarks.
Hats	10,030 ...	at 2s. each ...	These are strong, round hats, with deep crowns, with the brims about two and a half or three inches broad.
Hatchets	2 casks ...	at 1/- p'r hatchet	The hatchets are small.
Horseshoes and Nails.	20 ,, ...	at 2/10 p'r sett	.....
Hose, pairs of ..	3,992 ...	at 1/1½ ea. pair	Common, coarse hose.
Hooks and eyes...	30 grose	at 11d. p'r grose	
Jackets	12,470 ...	at 15s. each ...	The whole are warm cloathing, but rather slight of their kind.
Pairs of shoes, materials for.	5,000 ...	at 3/5 each ...	The materials for the shoes are in good condition.
Shirts	24,970 ...	at 3/8 each ...	The shirts are all white or brownish linnen, and are seemingly of the quality usually supplied to soldiers.
Thread	186½ lb....	at 2/10 p'r lb. ...	.....
Thimbles	209 ...	at 10d. p'r doz'n	.....

AN ACCOUNT of Implements of Husbandry, shipped on board the Porpoise, storeship, for New South Wales, consigned to Governor Hunter :—

The Hon'ble the Commissioner for managing his Majesty's Transport Service.

Bo't of William Jones, No. 141, New Bond-street.

Goods for New South Wales delivered at Deptford, to the care of Mr. D. Martin :—

July 5th, 1798.		£	s.	d.
No. A 1, 2 & 3 ...	3 casks, containing 500 falling-axes for clearing ground, sorted, at 2s.	50	0	0
No. A 4 ...	1 cask, containing 100 pickaxes, 3/-	15	0	0
No. A, 5 & 6 ...	2 casks, containing 223 socket-spades, sorted, 2/6	27	17	6
No. A, 7... ..	1 cask containing 222 reaping-hooks, sorted, @ 1/-	11	2	0
A : 8 & 12 ...	5 bundles plate iron, w'r, 5cwt. 1qr. 3lb., 32/-	8	8	10½
Carried forward ...		£112	8	4½

* This list was sent to Governor Hunter in a letter from Under Secretary King, dated 25th April, 1798, which has not been preserved.

1798		AN ACCOUNT of Implements of Husbandry, &c.— <i>continued.</i>		£	s.	d.
26 April.						
		Brought forward	...	112	8	4½
A : 13 & 17	...	5 bundles plate iron, double-rolled, 5cwt. 0qr. 0lb., 34/-	...	8	10	0
A : 18	...	7 casks, containing 250 reaping-hooks, sorted, @ 10d.	...	10	8	4
A : 19 & 20	...	2 casks, containing 250 spades, no handles—30 at 2/6 ; 220 at 2/8...	...	33	1	8
A : 21	...	1 cask, containing 27 spades (500 in all), 2/8	...	3	12	0
	.....	30 reaping-hooks (502 in all), 11d...	...	1	7	6
	.....	11 casks at 7/-	...	3	17	0
	.....	Swede's iron, assorted, in flat and square bars, 77 bars, w't 30cwt. 0qr. 0lb., at 27/-	...	40	10	0
	.....	Rod iron for nails, and 19 bundles, w't, 10cwt. 0qr. 21lb., @ 31/-	...	15	15	9½
	.....	Blistered steel, w't, 10cwt. 1qr. 8lb., @ 42/-	...	21	13	6
	.....	Paid waterage for craft and men	...	2	16	6
				£254	0	8

GOVERNMENT AND GENERAL ORDER.

1 May.

1st May, 1798.

Parole—Isle Wight.

Countersign—Yarmouth.

The reported state of Norfolk Island.

FROM the nature of those difficulties of which the settlers upon Norfolk Island having complain'd, difficulties which have not until very lately been known to have an existence, the Governor is led to suspect that the same rage for traffic and an intemperate indulgence in some of those destructive gratifications which have so effectually ruin'd many of the most forward and promising settlers in New South Wales has reached Norfolk Island.

Evil effects of trading.

His Excellency, from an earnest desire to promote the prosperity of that island and the true happiness of its inhabitants, has, since his arrival in this country, avail'd himself of every means or opportunity of forwarding for their accommodation a share of such little comforts as accidental ships may have brought hither; but he is sorry to observe that instead of those things being felt an advantage they appear only to operate as a stimulus to more extensive dealings, a circumstance which he can foresee will terminate in the ruin of many of the settlers for whose welfare he is extremely anxious. He desires therefore that they will not suffer themselves to be led away from their real interest by speculative ideas or a desire of indulging in dangerous amusements, and to squander away the whole produce of their hard labor in trifles or in scenes of dissipation, which must eventually end in their complete ruin. He desires they will persevere with patience in the management of their farms and the rearing of stock, and assures them that he

Advice to the settlers.

has taken such steps as he flatters himself will incline the Government at home to consider the inconveniences we labor under in this distant part of the world, and induce them to use such measures as will procure us before long every European article we may have occasion for at a very moderate expence, and through that means put an effectual stop to the impositions under which the industrious settlers have too long labored.

1798

1 May.

JNO. HUNTER.

GOVERNOR KING'S DORMANT COMMISSION.*

George R.

George the Third, &c., to our trusty and well-beloved Philip Gidley

King, master and commander in our Royal Navy, greeting :

WE, reposing especial trust and confidence in your loyalty, courage and experience in military affairs, do, by these presents, constitute and appoint you (in the case of the death or during the absence of Captain John Hunter) to be Governor of our territory called New South Wales, extending from the north cape, or extremity, of the coast, called Cape York, in the latitude of ten degrees thirty-seven minutes south, to the southern extremity of the said territory of New South Wales, or south cape, in the latitude of forty-three degrees thirty-nine minutes south, and of all the country inland to the westward, as far as the one hundred and thirty-fifth degree of longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean within the latitudes aforesaid of 10° 37' south and 43° 39' south, and of all towns, garrisons, castles, forts, and all other fortifications or other military works which now are, or may be hereafter, erected upon the said territory. You are, therefore, carefully and diligently to discharge the duty of Governor in and over our said territory by doing and performing all and all manner of things thereunto belonging ; and we do hereby strictly charge and command all our officers and soldiers who shall be employed within our said territory, and all others whom it may concern, to obey you as our Governor thereof, and you are to observe and follow such orders and directions, from time to time, as you shall receive from us, or any superior officer, according to the rules and discipline of war, and likewise such orders and directions as we shall send you under our signet and sign-manual, or by our High Treasurer or Commissioners of our Treasury, for the time being, or one of our Principal Secretaries of State, in pursuance of the trust we hereby repose in you.

King to
succeed
Hunter, in
case of death
or absence.

His duties
and powers.

Given at our Court at St. James's, the 1st day of May, 1798, in the thirty-eighth year of our reign.

By his Majesty's command,
PORTLAND.

* Ante, pp. 351, 353.

1798

GOVERNMENT AND GENERAL ORDER.

10 May.

10th May, 1798.

Parole—Truro.

Countersign—Cornwall.

The medical staff.

MEDICAL DEPARTMENT.—Mr. D'Arcy Wentworth will embark on board his Majesty's ship *Reliance* for Norfolk Island, and relieve Mr. Thomas Jamison, the assistant surgeon there, who will return in the *Reliance* and take the duty here. Mr. Jas. Mileham will relieve Mr. Jas. Thomson, assistant surgeon at Parramatta, and Mr. Thomson will take the duty at Sydney. JNO. HUNTER.

SIR JOSEPH BANKS TO UNDER SECRETARY KING. (Banks Papers.)*

15 May.

My Dear Sir,

Soho Square, 15th May, 1798.

I have been rather out of order this week past, and hard work'd beside by my Lord Liverpool,† which is the reason I have not before troubled you with this.

Plant-cabin on the Porpoise.

I am glad to hear from Capt. King that you have agreed to put a plant-cabin on board the *Porpoise*. I have consulted Col. Paterson about the European plants and fruit-trees that have been already introduc'd into the colony, and I find many of great importance still wanting, particularly the hop, which, by enabling the colonists to brew beer, will diminish the consumption of unwholesome spirits, and add materially to the health and comfort of the inhabitants.

The cost.

The cost of framing such a plant-cabin and fitting it on board the vessel will be under £60, and if a sum not exceeding £50 is allowed to me I will undertake to provide all the plants that can be wanted, and necessary tools, &c., for the gardener.

An emigrant.

I have met with an ingenious young man,‡ educated as a kitchen-gardener, who wishes to marry and carry out his wife to settle at Sidney. His character is excellent. He will thankfully undertake the care of the garden on board, without pay, if he is permitted to go out as other settlers have done, and have the same indulgences when he arrives. He will, I conclude, set up there as a market-gardener, and no doubt become an usefull inhabitant.

So much for my first speculation. Now for my second, which I confess I conceive is of great importance.

Exploration.

We have now possessed the country of New South Wales more than ten years, and so much has the discovery of the interior been neglected that no one article has hitherto been discover'd by the importation of which the mother country can receive any degree of return for the cost of founding and hitherto maintaining the colony.

* This letter is in the handwriting of Sir Joseph Banks.

† Robert Banks Jenkinson, Earl of Liverpool, was one of the members of the India Board. He was subsequently Prime Minister of England for fifteen years, 1812-1827.

‡ The person to whom Banks here refers is evidently George Sutter (Sutor) mentioned in his memo. of 11th December, 1797.—Ante, p. 333, and post, pp. 411, 485, 496 and note.

It is impossible to conceive that such a body of land, as large as all Europe, does not produce vast rivers, capable of being navigated into the heart of the interior; or, if properly investigated, that such a country, situate in a most fruitful climate, should not produce some native raw material of importance to a manufacturing country as England is.

1796

15 May.

Probable results.

Mr. Mungo Park,—lately returned from a journey in Africa, where he penetrated farther into the inland than any European before has done by several hundred miles, and discovered an immense navigable river running westward, which offers the means of penetrating into the center of that vast continent, exploring the nations that inhabit it, and monopolising their trade to our settlement at Senegambia, with a small force and at an expence which must be deemed inconsiderable when compar'd with the object to be attained,—offers himself as a volunteer to be employ'd in exploring the interior of New Holland, by its rivers or otherwise, as may in the event be found most expedient.*

Mungo Park.

His moral character is unblemished, his temper mild, and his patience inexhaustible. As he has proved during his African expedition, he is sufficiently vers'd in astronomy to make and to calculate observations, to determine both latitude and longitude. He knows geography enough to construct a map of the countries he may visit, draws a little, has a competent knowledge of botany and zoology, and has been educated in the medical line.

His character and attainments.

He is very moderate in his terms; he will be contented with 10s. a day and his rations, and happy if his pay is settled at 12s. The amount of his outfit for instruments, arms, presents, &c., will not, I think, exceed £100. He will want a deck'd vessel of about 30 tons, under the command of a lieutenant, with orders to follow his advice in all matters of exploring. Such a vessel may easily be built in the country if the one already there, which is found to have very bad qualities as a sea-boat, cannot be made sufficiently trustworthy; and Lieutenant Flinders—a countryman of mine, a man of activity and information, who is already there—will, I am sure, be happy if he is intrusted with the command, and will enter into the spirit of his orders, and agree perfectly with Park.

Salary and equipment.

Lieutenant Flinders.

The crew of such a vessel need not, in my opinion, consist of more than ten men—four for boatkeepers, and six to proceed in the country with one or both the commanders, as may happen when inland journeys are to be attempted.

The crew.

If either or both these projects are carried into execution, I will readily undertake to draw up instructions for all parties, and to correspond with them during the execution of their plans, under the superintendence of your office; such hopes have I of material discoveries being made, and such zeal do I really feel for the prosperity of a colony in the founding of which I bore a considerable share.

Banks's interest in the proposal.

JOS. BANKS.

* Mungo Park did not undertake this service.—Post, pp. 481 and note, 485 and note, 491.

1798

GOVERNMENT AND GENERAL ORDER.

15 May

15th May, 1798.

Parole—Kamschatka. Countersign—Otaheite.

Convict
sawyers.

THE shameful imposition which has been practis'd for some time past by those sawyers whose labour is the property of the Crown, and which has been overlook'd by those whose duty it is at all times to put a stop to everything of that nature, renders it necessary to establish some regulation which cannot be misunderstood.

Hours of
labour.

It appears to have been the custom to do the Government work in the fore part of the day, but if the weather happened to be bad during that time, altho' fair in the afternoon, no work has been done for Government, but that time employed for themselves, and for which they have claimed payment as if they had done so much beyond their Government task.

Imposing
on the
Govern-
ment.

From this shameful practice it appears that if the forenoon of every day in the week shou'd prove bad no work wou'd be done by the servants of the Crown as their public duty, but all considered as work perform'd in what is called their own time, and for which payment is expected. This is so glaring a trick practis'd at the expence of the public that it is no longer on any account to be suffered. Whatever the weekly task may be, that, when the weather will admit, is to be the first work performed, and all that is done over that may be allowed for. The person who has the direction of the work will be the judge when it can be done. It is perfectly clear that if no work can be done for Government on account of bad weather, none can be done for private persons.

New rules.

These regulations, if necessary, may be extended to field labour, shou'd any imposition of this nature have crept in amongst the public servants lent to officers or settlers upon their farms.*

JNO. HUNTER.

GOVERNOR KING'S APPOINTMENT.†

19 May.

19th May, 1798.

MR. KING, it is finally arranged, succeeds Mr. Hunter as Governor of Botany Bay.

GOVERNMENT AND GENERAL ORDER.

20 May.

20th May, 1798.

Parole—York. Countersign—London.

Convict
labourers
granted to
officers

THE Governor having received instructions from his Majesty's Secretary of State relative to the number of men hitherto granted to the officers, civil and military,‡ and others upon their farms, he has now to inform them that two men only are to be considered as allowed at the expence of the public, and that such as they

* Ante, pp. 61, 79, and post, p. 498.

† Reprinted from *The Star* of 19th May, 1793.

‡ Ante, p. 206.

may have over that number are to be maintained and clothed at the expence of their employer; but as there may be some difficulty on many of the farms in furnishing the requisite provision for such men as they may wish to employ, as well as in providing cloathing for them, the Governor proposes that the value of the ration and cloathing which may be supplied from the public store to such people be paid by their employers in the produce of the farm, either grain or fresh pork. The Governor desires a return may be made to the Commissary of the names of such men as the different officers and others are desirous of retaining upon their respective farms.

1798

20 May.

Maintenance
of assigned
servants.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord Duke,

25th May, 1798.

25 May.

After my letters named in the margin* were written and prepared, in order to be forwarded by the earliest conveyance. The ship Barwell arrived (18th May) with male convicts and a few stores for the colony. By that ship I had the honor of receiving your Grace's dispatch of the 31st of August, 1797.

The
Barwell.

I acknowledge with concern, my Lord, the justice of your Grace's remark relative to the lenity I was induc'd to shew to the turbulent and refractory conduct of the military;† but I trusted the reasons I gave in my letter on that subject would have proved satisfactory to your Grace. I stated that it was my intention to have instituted a criminal prosecution against the principal parties concerned, and not to have tried them by a Court-martial, and that I had actually signed a warrant for the apprehending them, but at the instance of the officers of the corps, the Judge-Advocate, and the injured party, together with the professions of contrition made by the troops, as reported to me by the officer who delivered their different messages, I was prevailed upon to withdraw the warrant, a circumstance which I had too much reason afterwards to consider ill-judged on my part and highly unmerited on theirs, and I have since been convinced that the messages I received from them by Captn. McArthur were of a more moderate nature than they had authorized him to deliver. The internal discipline of the troops being a duty more immediately under the direction of their own officers, I can only assure your Grace that the more strict it is the more satisfaction I shall receive, as it will be the means of saving much trouble and anxiety to me in my situation as the chief magistrate.

Misconduct
of the
military.Their
offence
overlooked.Discipline of
the troops.

* Nos. 30, 10th January, ante, p. 348; 31, 15th February, ante, p. 359; 32, 2nd March, ante, p. 365; and separate of 1st March, 1798, ante, p. 365.

† The allusion is to the case of John Baughan. See Hunter's letter to Portland of 10th August, 1796, ante, p. 64; and Portland's reply, 31st August, 1797, ante, p. 228.

1798

25 May.

The expenditure.

Your Grace has expressed much surprize and regret at the expences of this colony from June, 1796, to the August following. And I can assure you, my Lord, that I am particularly hurt when any occasion appears to your Grace for calling into question the want of œconomy in the affairs of this colony.

I did hope that I had accounted in the most clear and satisfactory manner for the various sums which had been unavoidably drawn in my name, but I am sorry to observe that neither the Commissary's vouchers nor the manner in which I have explained them have been sufficient to satisfy your Grace of the indispensable necessities which had occasioned them.

Hunter disclaims liabilities incurred by predecessors.

Your Grace can scarcely suppose me responsible for the errors of a system established for the management of this colony long before it fell to my care, and which I am concerned to have had occasion to say so much to shew your Grace that to get the better of those inconveniences was not the work of one day or one year. I certainly shall hold myself accountable for my own conduct ; but to have the errors or mistakes of others to explain away is surely, my Lord, a most mortifying consideration ; and I am confident, if your Grace had sufficient leisure to look minutely into my complaints, I should presently feel relieved from the anxiety which that circumstance alone has occasioned me.

Expenses incurred before Hunter's arrival.

The sum which your Grace has mentioned did not accumulate, nor was it incurred, between those periods. A great part of it had been due before my arrival in the country, and under a former administration here ; neither had it been consolidated by bills in due time, but was left to be drawn for after my arrival, and before I could well know the true state of the colony. Nor was this all ; considerable part of this sum was incurred on account of Norfolk Island, and had been refused to be consolidated by Lieut.-Governor Grose. This, and a variety of other circumstances, all tending to the same effect, are within my possession, and incontrovertibly convince me that a plan had been previously concerted for bringing the odium of these expences upon me. But you, my Lord, will deem me answerable only for my own conduct, and with respect to the concerns of this colony, which I must again declare were on my arrival in the most perplexed state. Your Grace will suffer me to assure you I had difficulties and embarrassments to wade through which I have hitherto been unwilling to particularize, but they are well known to many in this colony, and it is also well known what scurrilous abuse, and what infamous and cowardly attempts have been anonymously made to asperse my character for the steps I was from time to time taking for the public good, and in order to relieve the colony from the confused condition in which I found it.

Attempts to disparage him.

These matters, my Lord, contemptible and frivolous as they must ever be held by a virtuous and upright character, are

nevertheless irksome and vexatious. Your Grace will be pleased to understand that there are at this time two distinct interests in this colony—that of the public, and that of the private individual; and it is natural to infer that those separate interests have constantly been in direct opposition to each other. In protecting the first, I am sorry to say, I have generally found myself alone; to get the better therefore of difficulties which stood in the way of that interest, I have unremittingly exerted every means our embarrassed circumstances admitted of, and I have pleasure in saying that they are now drawing to a close; but I must add, my Lord, to get completely the better of all those embarrassm'ts, Government must lay an axe to the root of our commercial dealings, and order its officers to attend less to those private considerations which I have often had cause to observe are constant sources of jealousy and discontent amongst themselves, as well as being attended with much pain and trouble to me.

1798

25 May.

Conflicting interests.

Commercial dealing.

Your Lordship will here give me leave to observe how the vast sum which your Grace has noticed appears to have been incurred in so short a time, for in fact it was not virtually so. It had been the custom in this colony, for want of current specie, for the Commissary to issue in his own name, on Government account, notes, payable on demand, for all grain or other articles taken into the public store from individuals. Those notes may continue for any length of time in the hands of their possessor, or pass as money for their value in the colony, and at any convenient time the holder may bring them forward and receive a bill upon the Lords of his Majesty's Treasury for their amount.

Government notes.

Considerable part of the sum your Grace has mentioned will, as I have already observed, appear to have been notes of this description which had laid dormant for a length of time before my arrival, consequently the propriety of such issue I could not be any judge of, although it was so managed as to become my duty to consolidate them.

Outstanding notes.

It had been also customary in this colony for the notes or receipts for grain of the very storekeepers to pass current for their value. I very early discovered the danger of this custom, and forbid it in the most positive manner in Public Orders issued on the 15th June, 1796.* I also considered it improper that any notes payable by Government should be issued without the Governor's approbation, and I have ever since subscribed my name to such notes, without which none of them are valid. This had never been the case before, but I conceived that no money should be paid on the public account without the knowledge of the commander-in-chief. Whenever any number of notes are to be drawn for, they are laid before me as a voucher for satisfying me of the necessity of such bill, and the notes are cancelled. This measure I trust your Grace will approve, and I hope you will pardon me,

A paper currency

System of issuing Government notes.

* Ante, p. 54.

- 1798 my Lord, if I express a wish that the expences of Norfolk Island could be held entirely separate from those of this colony, and that the Lieut.-Governor or officer commanding there should be considered as the fit person to draw the requisite bills, instead of giving drafts upon the Commissary, which renders it necessary for bills being drawn for those sums in the name of the Governor here. These, I fear, my Lord, are on a slight examination too often confounded with the expences of this colony, being subscribed by the Governor; by such means the officer commanding on that island appears to have created no expence, whilst the Governor-in-Chief is loaded with the whole sum as if for this colony.
- 25 May. Expenses of Norfolk Island. Instructions ignored. The instructions to the Governor, my Lord, have been the same from the beginning; had they been from that time as uniformly adhered to, or as little deviated from as I hoped to have found them, I should have discovered upon my arrival everything moving on generally upon the same plan which was at first established upon those instructions, but your Grace will have discovered from some part of my correspondence that this was not the case, and the change, I found, was such as required some time to alter.
- Stores. The colony has been since my arrival greatly distressed for stores of various kinds, and I have been unavoidably driven in some instances to the necessity of purchasing. If the very liberal supplies which seem to have been sent out formerly were lavishly used and improvidently exhausted, I will only observe that the deficiency was too expensive not to be felt with anxiety and concern, as well by myself as by every person wishing well to the colony.
- Convict labourers allowed to officers. I have formerly mentioned, my Lord, that the number of men lent to officers was a measure of Lieut.-Governor Grose's, and I gave your Grace my reasons for continuing a certain number of them, which were, if I withdraw them the colony would be without bread, because their farms could not be worked for want of strength. I have now, agreeable to your Grace's opinion and directions, offered to the officers such number of men as they can afford to maintain and the public service can spare, exclusive of the two which your Grace is pleased to allow them at the public expence.* With respect to myself, all that I require is a boat's crew for the public service, and a few domestics, for I have no concerns of a private or particular nature which require any partial indulgence.
- Special cases. I will here take an opportunity of pointing out to your Grace that as there are several officers employed in fatiguing extra duties, for which no salary or allowance whatever is made, such as magistrates, &c., &c., I hope there may be no impropriety in rewarding their exertions by such additional assistance as may be thought adequate to their services.
- Chartering the Britannia. I am sorry to find that your Grace disapproves of my having chartered the Britannia.† Your Grace's humanity will no doubt

* Ante, pp. 295, 324.

† Ante, pp. 296, 297.

contrive some other means of relieving people laboring in this distant part of the world under worn-out constitutions and narrow circumstances. 1798
25 May.

The salted provision which your Grace has mentioned will nearly last the time proposed; but I beg to observe, my Lord, that the quantity of live stock in this colony, as will appear by the enclosed return,* is by no means equal to the feeding the number of people in this country. I fear, my Lord, that it is too much the custom to contrast Norfolk Island with this colony. I do not hesitate to say, and to prove, that they will not admit any comparison. Norfolk Island, to which I am not a stranger, produces a food for hogs which grows in great abundance spontaneously; the people there can inclose such grounds as produce this kind of food, and run no risk, even without an herd, of losing their stock, and were they even to stray they cannot get out of the island; when they design them for slaughter they shut them up in styes and feed them with maize. Live stock. Norfolk Island.

In this country we have no food for the sustenance of such stock but what must be raised by hard labour; and the poverty of the settlers, who are deprived an opportunity of getting what they want at a moderate price, is such they cannot hire the requisite labourers; they cannot let their hogs run loose because they will inevitably lose them in the woods. But after all these difficulties, my Lord, I will venture to assert that there are more people fed wholly on swine's flesh in this settlement than twice the number contained on Norfolk Island, exclusive of strangers, who live chiefly on fresh food whilst here, at an exorbitant price, which naturally inclines those to whom it belongs to prefer that kind of market instead of bringing it to the public stores at a loss. But your Grace may probably not have adverted to one-third of the numbers in this colony; being people independant of the public store, they consume the whole of the fresh provision which is at present raised. If, therefore, we are left without the necessary supplies of salt provisions, the whole live stock of the colony would be destroyed in twelve months, and the colony thrown back some years. Were it possible to have removed from the colony the convicts whose term of transportation might be expired, the quantity of swine's flesh raised here would then make some figure in feeding the colony, but it requires the whole or the greatest part to feed the free people; whenever there is a surplus the store is opened for its reception, and the salted provisions saved. The difficulty of raising live stock. New South Wales and Norfolk Island. The meat supply.

After what your Grace may have already understood relative to Norfolk Island, I am not desirous of saying anything further upon the subject, nor will I press my opinions more than I have done in former letters; suffice it, my Lord, to observe that the Norfolk Island.

* The enclosure is missing. A return of live stock, dated 31st December, 1797, will be found on p. 341, ante.

- 1798
25 May. extent of this island appears to be forgotten in the advantage of its feeding a certain number of swine. I am inclined, however, to believe that such will be the principal or only object, and that as often as we have opportunity the inhabitants will require to be supplied with bread from hence, whereas we shall not, I trust, be necessitated to have recourse there for anything, unless they can supply a little salted pork, which, had they materials, such as proper salt-pans, saltpetre, and coarse sugar, I am of opinion they could.
- Youthful convicts. With respect to the employment of the young male convicts, we have ever made it an invariable rule to place all of that description under the immediate direction of the superintendant of some artificer's gang, in order that they be rendered useful mechanics in time, and the country of course benefitted by their labors.
- The assortment of stores sent in this ship* has afforded me some pleasure, as the settlers will be thereby enabled to receive the necessary tools at a moderate expence.
- Judge-Advocate Dore. It has also given me the greatest satisfaction to find that your Grace has sent out a professional gentleman of the law in the capacity of Deputy Judge-Advocate to this settlement. Such a character was highly essential to the interests of this colony, and, independant of my personal regard for Mr. Dore, I have, in honor to your Grace's recommendation, appointed him my secretary, and he will in future have the regulation and direction of my dispatches to your Grace.
- The high price of grain. I have already explained to your Grace in another letter the cause of the high price of grain. Should my idea of a public store† on the part of Government, upon an extensive plan, for the retail sale of the various articles of comfort and convenience, be adopted, the price of grain must immediately fall, and in the end operate as an encouragement to industry; but without some such measure the settlers cannot live, and far less provide for a family. The speculators who call here, and the ruinous traffic which is carried on through those monopolies, which are made in opposition to my repeated orders and endeavours to prevent, will, beyond a doubt, without the interference of Government, keep the settlers, &c., in a continual state of beggary, and retard the progressive improvement of the colony.
- Artificers. The artificers which have arrived in the Barwell will enable me to discharge from wages those whom I had been obliged to hire for completing the granaries, storehouses, and barns which I have had occasion to erect.
- Defences of Sydney Harbour. From the long continuance of the war, I have judged it requisite, as far as our small force could admit, to erect a few redoubts for a battery. I therefore feel myself much in want of the assistance of an engineer, and also of small arms, with flints, balls, and other

* The Barwell.

† Ante, pp. 219, 344.

amunition, for furnishing the inhabitants with proper means of defence. I understand it was the intention of Government to appoint an engineer, and that Lieutenant Dawes,* then of the marines, was the gentleman proposed on the occasion. If Mr. Dawes could be found, I shall be happy to have his assistance as an engineer, conceiving him to be eminently qualified; and your Grace may be satisfied, from the very extensive improvements in this colony, if such an appointment was deemed expedient in the early establishment of it, how far more necessary must it now be to take place.

1798

25 May.

Lieutenant
Dawes.

I have, &c.,

JNO. HUNTER.

TRANSPORT COMMISSIONERS TO UNDER SECRETARY KING.

Sir,

Transport Office, 28th May, 1798.

28 May.

We transmit to you inclosed, for the information of his Grace the Duke of Portland, copies of several papers detailing the circumstances which attended the seizure of the ship *Lady Shore*, on her voyage to New South Wales, by part of the soldiers embarked on board her, belonging to the New South Wales Corps.

Seizure of
the *Lady*
Shore.

We are, &c.,

RUPT. GEORGE.

AMBROSE SERLE.

JOHN MARSH.

[Enclosure.]

MR. SIMON MURCHISON TO MR. JAMES DUNCAN.

Sir,

Dartmouth, 22nd May, 1798.

I arrived here on the 17th instant, and have ever since been in expectation of going to London, but I now find it will be impossible for two or three days; therefore I forward to you the sketch, which we drew out at Rio Grande, of the capture of the ship *Lady Shore*, and a certificate from the Frenchmen, which is all the papers I have concerning her. Mr. Black has all the rest.†

The second
mate
forwards an
account of
the mutiny.

I left all those who were turned into the longboat at Rio Janeiro.

The captain of the whaler that I went to the Cape in would only take me, nor did I know myself where he intended to carry me, only he told me he would put me in a way to get home. When we got to sea he told me he was going to the Cape, where I took the first opportunity of coming home in the *Hare*, brig. You may expect me in town in the course of the week.

I am, &c.,

SIMON MURCHISON,

Late 2nd officer of the *Lady Shore*.

* Ante, p. 55.

† A lengthy account was forwarded by Mr. Black, purser of the *Lady Shore*, to his father, by whom it was published in England. See also pp. 418, 414, 415, post.

1798

[Enclosure.]

28 May.

MUTINY ON THE LADY SHORE.

The vessel
seized by
soldiers.

The chief
officer
wounded.

The captain
bayoneted.

The com-
manding
officer.

Death of the
chief officer.

ABOUT $\frac{1}{4}$ past 4 a.m. on the 1st of August we were alarmed by the firing of musquets, the cries of murder, &c., and, to our great surprise, found that the vessel had been seized by the French and Irish soldiers united.* Mr. Lambert, the chief officer, who had the watch upon deck, and who saw the men loading their musquets and making other preparations, very imprudently, instead of alarming the captain and officers, went into his own cabin and loaded his pistols, which the mutineers immediately took advantage of by surrounding the doors and windows. He, seeing this, fired his pistols; the ball of one of them entered the breast of one of the mutineers, Delahay, who immediately fell. Several musquets were then fired into his cabin thro' the windows, and they immediately charged upon him with their bayonets. He was wounded in several places, but burst open his own door and ran into the cabin of Mr. Black, purser, which was close adjoining to that of the captain and had a communication with the round-house.

They endeavoured to burst open that door to get into the captain's state-room. While attempting to do this, Mr. Lambert received another shot in his back, and the men on the quarter-deck continued to fire into the purser's cabin. Finding it impossible to enter the round-house this way (the key being on the opposite side), Mr. B. ripped open the lashing of the canvas screen which divided his cabin from the cuddy, through which aperture Mr. Lambert immediately went, and received another wound from the centry at the cabin door. The captain, just at the same time, ran out from his cabin, and at the door of the cuddy received a wound just below the heart with a bayonet, and fell, but, immediately recovering himself, he sprung towards the after hatchway, down which he fell, and in his fall received a wound in the neck. A musquet was fired at him after his descent, but without taking effect. The noise of his fall awoke Mr. Minchin, commanding officer of the detachment, who called out to know what was the matter, and was answered by Captain Wilcocks, in a faint voice, that he was wounded, and that his men had seized the ship. The hatches were now laid on fore and aft. Mr. Lambert, upon entering the captain's cabin and finding him gone, ran to the windows abaft and called out to Mr. Minchin that his men were murdering the officers. One of the mutineers, who had undertaken to dispatch him, entered the cabin and shot him; he groaned for a few minutes and expired. On attempting to get upon deck we found that four of the mutineers were placed with fixed bayonets at the after hatchway, and one at each of the officers' cabins upon deck. Several were parading the quarter-deck, and others were employed

* Recruits for the New South Wales Corps.

in pointing two of the great guns down the after hatchway, and two others pointed at the round-house. Mr. Minchin was ordered (through the interpretation of Major Semple*) to give up his sword and pistols, and to order the soldiers to deliver up their arms, which was immediately done. They also demanded all arms from the officers, and informed all who were between decks that if any person attempted to make the least resistance a general massacre would take place. And indeed we saw that all resistance would be in vain, as both the petty officers and seamen seemed united with the mutineers, altho' they took no active part in the affray. On the captain's getting into the great cabin he called out to give up the ship, which Lieut't Minchin repeated several times at the cabin door, upon which the mutineers gave three cheers. The surgeon, upon examining the wounds of Capt'n Wilcocks, entertained great hopes that they were not mortal; but immediately pronounced the man who had been wounded by Mr. Lambert a dead man. We were all ordered to remain in the great cabin, at the door of which were placed two centries—vizt., one inside and the other on the outside—to prevent any communication between us and the soldiers, who were amidships, but were divided from the steerage by a grating. The lattices of the door were always open. About 4 in the afternoon of the 2nd Delahay died. Captain Wilcocks was at this time much better, and we entertained great hopes of his recovery, but in the latter part of the evening he became very restless. About midnight his strength was quite exhausted, and he expired about 4 in the morning without a groan.

1798

28 May.

Arms
surrendered
to
mutineers.A general
surrender.Death of the
captain.

The mutineers informed us that they intended to bury the body of their comrade at 8 a.m., and desired that we would also bury the body of Capt'n Wilcocks as soon as possible, at the same time informing us that we might pay any honors we thought proper to the corpse of our late commander. This, however, we declined, and about noon committed his body to the deep with the usual ceremony, at which all the officers attended, and also two of the ringleaders under arms with their pistols cocked in their hands. They, this morning, ordered us all upon deck, where we found the mutineers drawn up under arms on each side of the quarter-deck and the seamen in the center. One of the ringleaders, with Major Semple as interpreter, mounted the arm-chest and read aloud some rules which they desired we would follow under pain of death, assuring the seamen that they should receive a gratuity according to their behaviour on their arrival at Rio de la Plata, to which place they now informed us that they intended to take the ship, promising that they would put the officers and such of the soldiers as they were afraid of into the boats as soon as they had passed the latitude of Rio Janeiro. They then informed the sailors that they appointed a man of the name of Dubois [*alias* Deliz] their

His burial.

Rules of the
mutineers.

* Ante, pp. 205 (note), 256 and note.

1793

28 May.

Attitude of
the sailors.Mutineers
in officers'
clothes.Ensign
Prater.A soldier
drowned.The vessel
ships a sea.

captain, and Thomeo [*alias* Thierry] their lieutenant ; that if any of them were seen conversing with any of the *ci-devant* officers the guard had orders immediately to shoot both parties. They also this day gave us canvas to make sails for the long-boat, which we were obliged to do in the cabin, and permitted two of us to go upon deck at a time for the purpose of getting her rigging, &c., fitted and ready for sea, in doing which the sailors would not give the least assistance, but seemed to obey all the orders given by the ringleaders of the mutiny with much more alacrity than they formerly did those of the captain and officers. The carpenter had charge of the sails, &c., in one watch, and the boatswain in the other. One of the seamen (George Davis) was appointed boatswain. The mutineers never slept but in their cloathes upon deck, with their arms by their side.

On Saturday, the 5th, they made a requisition to the officers of cloathes of all kinds to cloathe the mutineers with ; and we had the mortification, on the following day, to see them all dressed in our cloathes.

On Sunday afternoon, Ensign Prater, of the New So. Wales Corps, having said to one of the seamen that it would be an easy matter to retake the ship if the seamen were unanimous, he immediately reported it to the mutineers. Thomeo [*alias* Thierry] then came down into the great cabin, with four of the men armed, and carried Mr. Prater upon deck, informing us that they would immediately hang him. He, however, returned in about ten minutes in irons, and an additional guard was placed in the cabin, which continued there all the time we remained in the ship. They had told Mr. Prater that he should be tried by the council in the morning (the council consisted of the six ringleaders, and sat every evening at 6 o'clock), and if found guilty should be hanged. They, however, released him out of irons at daylight, but ordered him not to appear upon deck again ; and repeated their threat to shoot any officer who should be seen speaking to either soldiers or sailors.

Nothing material occurred until Saturday, the 12th instant, when they informed us that they intended to send us away on the following day. It was now blowing hard from the N.E'd, as it had done for some days. One of the soldiers fell overboard and was drowned, without their attempting to save him, notwithstanding that he was seen swimming for some time. In the evening of this day, about 7 o'clock, the ship was taken aback, and getting sternway, a high sea pooped her, stove in all the great cabin windows, and washed those who were sitting in the cabin forward to the cabin door, which was also burst open by the sea. Our trunks, beds, &c., were all floating about. Two or three of us attempted to go upon deck to get assistance, but found several musquets presented at us down the after hatchway, and the centry,

who was in the cabin at the time, was obliged to go upon deck to explain the matter before we were allowed to move. Our situation now appeared dreadful; up to our knees in water, all the cabin windows stove completely in, the ship appearing to settle fast by the stern, and had another sea broke over her we must inevitably have all perished. The tiller was flying from one side to the other, the man at the helm being alarmed, not knowing what to do, and no person to command him. Not a word that was said upon deck could be understood, for the great confusion of tongues, some calling out in French, others in German, and others in English, that the ship was going down. None of them seemed to know what to do. Our first consideration was to get up the dead-lights, which, by the assistance of two seamen, we fortunately accomplished in time, for immediately afterwards two very heavy seas struck her stern, and must have sent her to the bottom had they not been in. We got some buckets between decks, and baled the water out as fast as we could, as the pumps which were upon the upper deck were not cleared for above an hour. They, however, informed us that there were but eighteen inches water in the ship, it not having yet found its way to the pumps, owing to the ship's being so much by the stern.

1798

28 May.

The cabin
flooded.A second
Babel.

On Monday morning they brought us some certificates to sign. One, that we would none of us serve against the French and their allies for a year and a day; another, that we had surrendered the ship to them in the name of the French Republic; and others, that the surgeon, carpenter, boatswain, seamen, &c., had been detained by them contrary to their inclination, to navigate the ship. We at first objected to signing these certificates, particularly to the carpenter, boatswain, cooper, and several of the seamen, as from their conduct we had every reason to believe that they were previously acquainted with the design of seizing the ship. But they insisted upon our signing them, and we also reflected that such certificates, compelled to be signed at the point of the bayonet and muzzle of a musket, could avail but little hereafter. They also gave us a certificate that they had not been induced to the measures they had taken in consequence of any ill-treatment they had received from the captain and officers, but on account of their having been trepanned into the service by Colonel Grose. They assured us that they were extremely sorry for the death of Capt'n Wilcocks; that it was not intentional; but that the death of the chief mate was determined on. They informed us that they would send us away on the following day in the long-boat with thirty-two people, and that we should have a cask of porter and as much of every other kind of provision as we wanted. The sea was still running very high, altho' the wind had fallen. On the following day (Tuesday) we had a fine breeze from the northward, and smooth water; had soundings about forty-five fathoms. At noon they

Certificates.

Signed at
the point of
the bayonet.Cause of the
mutiny.

1798 informed us that they observed in 34° So. About 1 p.m. they hoisted out the boat and got her rigged, put into her three small casks of water, containing about ninety gallons, and four bags of bread. This they informed us was as much provision as was necessary, and, notwithstanding their former promises, this was all we could obtain from them. The steward was, however, fortunate enough to evade the search in the confusion, and hove into the boat two cheeses, two hams, some pieces of beef which he had got boiled for the purpose, and a small keg containing about five gallons of rum.

They would give us no compass, and it was with a great deal of intreaty that we obtained a quadrant. Had not Mr. Drummond had a small pocket-compass fortunately in his possession, we should not have known what to have done with the boat. About half-past 6, having put twenty-nine persons, including men, women, and children, into the boat, with a few of our cloaths, we put off from alongside, and after properly stowing the boat we made sail to the n'wd, intending, if possible, to get into Rio Grande. We lost sight of the ship about 8 o'clock, it being now dark. We cannot here omit mentioning how much poor Mr. Fyfe, the surgeon, seemed affected at parting.

After experiencing almost continual bad weather, with heavy thunder, lightning, and rain, and having been in imminent danger, being surrounded with breakers, we were obliged to lighten the boat by throwing over some of our baggage and provisions, but fortunately got into Port St. Pedro* about 4 o'clock on the 17th, having been in the boat only about forty-six hours.

We were hospitably received by the Governor, and were promised a passage to Rio Janeiro in the first ship that sailed. We also obtained the Governor's permission to sell the long-boat here for the benefit of the officers of the ship, who, having not only lost their cloathes but some property in the ship, thought themselves more entitled to the produce of the boat than the officers and soldiers who accompanied them, as their losses had been very trivial, and they had it in their power to draw upon Government for cash to pay their expences home, which we, as private men, could not do. But, however, as Mr. Minchin, the commanding officer of the troops, seems to think that they are entitled to the boat as much as ourselves, we have entered into an agreement to reserve the produce of the boat until our arrival at Rio Janeiro, or at some place where we can find an English officer who will be able to decide upon the justness of the claim. We must also remark here that Mr. Minchin has money of his own, which the Frenchmen did not take from him, to our certain knowledge above thirty pounds. On our leaving the ship the Frenchmen gave us a paper, making over the boat to Messrs. Drummond, Black, and Major Semple,

* Now generally known as Rio Grande, situated on the coast of Brazil, at the southern extremity of Lake Patos.

28 May.
Preparing
the
long-boat.

Twenty-nine
persons cast
adrift.

Arrival at
Port St.
Pedro.

Sale of the
long-boat.

Dispute as
to proceeds
of sale.

who accompanied us in the boat ; but this gift from pirates cannot be considered as a legal one. Time will not permit us to say more at present, but a fuller account may be expected hereafter. We, the undersigned, however, certify that the foregoing is a true account of the principal transactions after seizing the ship,* which happened about 150 leagues to the N.-E'd of Cape Frio, and we were about as far from Cape St. Mary when we left the ship in the boat on the evening of the 15th instant.

SIMON MURCHISON, 2nd officer.

GERRARD DRUMMOND, 3rd do.

JOHN BLACK, purser.

P.S.—We have forgot in the haste of drawing up the foregoing to state that we are fully of opinion the vessel never could have been seized had not those men (who were sent on board in irons and with a strong guard) been allowed to keep constantly in their possession both firearms and ammunition, against which Capt'n Willcocks remonstrated previous to leaving Torbay, and was answered by Colonel Grose "that it was perfectly proper."

J.B., G.D., S.M.

[Enclosure.]

Liberté.

Egalité.

République Française.

Nous, soussignés, attestons que Monsr. le Lt.-Colonel Grose est, par la fraude, la force, et les mauvais traitemens, joint à notre Republicanisme le plus pure, sont la cause efficiente de la prise du navire de la Lady Shore ; que toutes les voies de fait qui ont été commises ne l'ont été que pour satisfaire à la vengeance des bons Républicains François qui ont été vexés et opprimés par le poids de la méchanceté appui du crédit des grands.

Fait à bord de la Lady Shore prise, le 2 Aoust, l'an 1797, l'an 5me de la République Française, une et indivisible.

W. G. THIERRY, lieut. à bord de la prise.

DELIZ, capitaine de la prise.

Par expédition,

LE MAILLOT DE PROVENCHER,

Secrétaire à bord de la prise.†

* The Rev. Wm. Gregory, in his "Journal of a Captured Missionary," p. 194, states that the Lady Shore was sold, as she lay dismantled in Monte Video Harbour, for forty thousand dollars.

† [Translation.]

Liberty.

Equality.

The French Republic.

We, the undersigned, attest that Lieutenant-Colonel Grose is, through fraud, force, and ill-treatment, together with our purest Republicanism, the material cause of the capture of the vessel the Lady Shore ; that the acts of violence which were committed were only so committed in order to satisfy the vengeance of the good French Republicans, who had been vexed and oppressed by the wickedness which supports the power of grandees.

Subscribed on board the captured Lady Shore, on the 2nd August, in the year 1797, and the fifth year of the French Republic, one and indivisible.

W. G. THIERRY, lieut. on board the captured vessel.

DELIZ, captain of the captured vessel.

Engrossed by

LE MAILLOT DE PROVENCHER,

Secretary on board the captured vessel.

1798

28 May.

Cause of the
mutiny.

Statement
by the
ringleaders.

1798

GOVERNMENT AND GENERAL ORDER.

1 June.

1st June, 1798.

Parole—Harwich.

Countersign—Oxford.

Officers' servants.

IN addition to the Order of the 20th, relative to the number of servants whom the officers, &c., may be desirous of retaining in their service upon the terms therein mentioned, the Governor desires to inform that he wishes to have their respective lists sent to the Commissary's office by the 20th instant.

JNO. HUNTER.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

Sydney, New South Wales,

4 June.

My Dear Sir,*

4th June, 1798.

Hunter's letters.

The vast multitude and variety of circumstances which continually occur in this Government to occasion letters to the Duke of Portland of much greater length than it is either pleasing or convenient to me to write or to trouble his Grace with, have given me more uneasiness than all my other fatigues. I trust, however, that, after what I have already had occasion to say, some steps will be taken for relieving some of those anxieties, and for giving me less occasion to dwell so frequently upon them.

His motives.

An anxious desire for the prosperity of this colony, at the planting of which I was present, and had some share in, does sometimes occasion my saying more than may be pleasing; but I should feel myself deficient in a due attention to the public service were I to be perfectly silent upon such subjects.

Private letters to King.

Distress amongst settlers.

You will see, my dear sir (and you will probably not thank me for it), that, unwilling to be more circumstantial with his Grace than may be absolutely necessary, I now and then take the liberty of insinuating to you in a private letter what I trust, when you find it convenient, you will be at the trouble to mention. You will discover in my letter to his Grace, No. 30,† a variety of matters mention'd, and which, I must assure you, require to be notic'd. The distresses of the settlers both here and at Norfolk Island are circumstances which I am hopeful Government will take into their consideration. You will observe from whence they proceed and my plan for relieving them,‡ and you will also discover that a considerable saving may be made in the expence of maintaining the convicts by the adoption of some such idea. Government in a business of this nature could have no competitor, because it will be satisfied with very small advantages, and will accept of payment in the immediate produce of labour.

* A private letter. † Ante, p. 343.

‡ The plan Hunter proposed for relieving the settlers from the extortionate charges of monopolists was the establishment of a public store at Sydney, and a branch thereof at Norfolk Island, in which clothing, tools, and provisions of every kind could be purchased from Government at a slight advance on cost price, to cover freight, insurance, and the storekeepers' salaries.—Ante, pp. 219, 344, 390.

This will be a strong stimulus to industry, because the more a man labors the more of those comforts which he is desirous of having he will be able to afford himself; and such comforts being at hand will be an additional spur to his exertions. Allow me here to observe that in our situation last harvest, when the whole colony were engaged in securing their crops, I was truly concerned to observe that private persons who had farms cou'd afford that encouragement to their laborers which surely Government ought not to keep back. I mean that they indulge their people working in the field, and expos'd to the sun in so hott a climate, a little porter, ale, or grog on such occasions; and it really performs miracles of exertion. But you never allow us anything of that kind to forward the work of Government; and if we were for such purpose to purchase from the speculating masters of ships such of those articles as we find so much wanted, and pay several hundreds per cent. more than Govt. could send them out for, you wou'd then think us careless in the expediture of the public money. Why not then, my good sir, send us out some of those things call'd comforts?

1798

4 June.

A stimulus
to industry.Indulgences
to field-
labourers.

Formerly we were allow'd, for the convenience of the officers of the colony, civil and military, our port wine and spirits sent out for us at prime cost. Now we must purchase those articles wherever we can get them, and you may be assured always at an immense price. My sallary will scarcely afford me what I require of those things for public days. Were my station a private one, I shou'd be perfectly indifferent to such matters, for a very small quantity wou'd answer my purpose; but situated as I am, it is inconceivable the expence in which I am constantly involv'd. You wou'd, really and truly, my dear sir, render an essential service to the whole of us if you cou'd contrive to have our wine and spirits sent us out as formerly; and you may at least count upon the very hearty thanks of the Governor.

Wines and
spirits for
officers.

There is one thing just come across my mind, and which being uppermost I cannot omit to mention. You may have taken notice of what I have in various letters said upon the expences of the colony, but I am very apprehensive that whatever arguments I may have us'd to shew from whence they arise, those arguments are not immediately recurred to when bills appear, nor is it, I fear, always taken into consideration by whom or under whose direction the particular expences may have originated. It is only notic'd in whose name the bills are drawn; but if you were to look back a little you wou'd discover that no unnecessary expence has been created since I landed, notwithstanding the heavy sums which were, I believe, artfully left for me to consolidate, for I think some of my first dutys after my arrival was the draw'g of bills, which you may suppose cou'd not so very soon have been created by any measure of mine.

The increase
of expendi-
ture.

1798

4 June.

The ration.

Now, Mr. King, whilst on this subject allow me to make another observation. Formerly the common ration of provision consisted of various articles, as beef and pork, flour, pease, oatmeal, rice, oil or butter, or sugar. Now you send us nothing but salt meat; that and the wheat we grow here is all we have to issue; the deficiency of the other articles is therefore cover'd as far as we can by an additional proportion of wheat. Now, sir, let it be recollected that the wheat is paid for here by bills on the Treasury and when the articles above mention'd were sent us from England we had no such additional sums to draw; they were paid for there. Let it also be consider'd that superintendants, storekeepers, and hir'd artificers are all paid their wages here; those wages are therefore to be repaid into the Treasury by the agent for the colony. Those sums, however, are paid here, and appear in bills under my name. Stores purchas'd on the spot, when in distress for want, which has been the case the whole time I have been here, are all paid for by bills drawn here, and what adds greatly to that expence is that such articles cost some hundreds per cent. more than if sent us by Government.

Wages and
other
expenses.

Scarcity of
stores.

You will therefore see, my dear sir, that it is not perfectly just to accuse us here of this cause of expence. We cannot, with all our care and oeconomy, prevent it. At this moment, were a ship to arrive here with a cargo of iron, steel, pitch, tar, oil, paints, cordage, canvas, tools for agriculture, and for artificers of every kind, slop cloathing, &c., &c., &c., however averse I am, I shou'd feel myself compell'd to purchase whatever might be the expence, or let the affairs of the colony stand still. This will, beyond a doubt, be the case very soon, for there is not a store of any kind now in the colony. If they have ever been wantonly lavish'd away, I now feel the inconvenience, being at this moment oblig'd to take the iron bars out of the windows from various public buildings to convert into impliments of husbandry and other uses, and we are now making nails for various uses out of iron hoops.* The people are, for want of cloathing, indecently naked. Let those things, my dear sir, be considered, and you may judge what I feel, who immediatly upon my arrival had occasion to send home demands.

Making nails
out of hoop-
iron.

An
unpleasant
duty.

There is no part of my duty so distressing to me as the drawing of bills on account of the colony, but I must submit to it, and depend upon the Commissary's account of the expenditure as my vouchers for the sums drawn. It is not possible that Government cou'd do so much to lessen my anxiety as the giving me little or no occasion to have recourse to purchasing stores, and consequently to the drawing heavy sums; but that is not altogether possible, for as we cannot for a length of time have as much ground in cultivation on the public account as would furnish bread for the colony, we must purchase from those who raise grain; and whenever we

can do without such purchase there will be an end to private farming for want of a market, and the colony will then become one public farm. 1798
4 June.

You will observe what reasons I have given to his Grace for continuing the high price of grain. How is it possible to lower this price, when, thro' the want of those articles of provision formerly allow'd, we are oblig'd to substitute wheat, which renders the whole crop of the colony scarcely sufficient for our purpose? If more wheat was grown in one season than we cou'd consume in one year we shou'd soon be able to reduce it to a moderate price; but whilst this grain is serv'd in lieu of so many other articles it will take some considerable time to bring that about. Last season our expenditure was so great that I was oblig'd for a time to reduce the usual ration. I have mentioned what a convenience it wou'd be to us if the East India Company wou'd send us an annual ship from Bengal with rice, sugar, and rum on Govt. account. This wou'd be far cheaper to Govt. than supplying those articles from England, or than substituting wheat here at the present price. The high price of grain.
Provisions from India.

I must now, my dear sir, take the liberty of observing to you that as I am in no way concern'd in farming as a private consideration, and as all the officers of this colony are, I cannot be interested in the keeping up certain prices. No, I have no concern of a private nature to occupy my time or thought. No man shall have it in his power to suspect me in that respect, or doubt what were my chief objects. The public interest has been, and will continue to be, my principal, my only, consideration; but I must, at the same time, express my concern at observing the effect which seems sometimes to be produced by many opinions at home, given in such way as to answer such ends as they may have been design'd for, and some of which wou'd not cost me ten minutes, were I upon the spot, to expose the futility of. I have no story to tell but a fair, honest, and honorable tale. I claim no commendation but such as an upright discharge of my duty may intitle me to; and no man living can say that in this or in any situation I have ever fill'd in his Maj's service that anything but the good of that service ever occupied a single moment of my time. Hunter not actuated by selfish motives.

I have, &c.,

JNO. HUNTER.

P.S.—You will see my reply to that scandalous and bombastical letter to his Grace by a man who has employed the whole of his time in this country in sowing discord and enriching himself by means truly disgracefull in my opinion.* A "bombastical letter."

* See Hunter's letter of 25th July, 1798, and its enclosures, post, pp. 418 to 446, in which Hunter replies at length to Macarthur's letter to the Duke of Portland of 16th September, 1796, ante, p. 131.

1798

GOVERNMENT AND GENERAL ORDER.

8 June.

8th June, 1798.

Parole—Love.

Countersign—Fowey.

Appoint-
ment of
Richard
Dore.

HIS Majesty has been pleased to appoint Richard Dore, Esq., to be the D'y Judge-Advocate to this colony, in the room of David Collins, Esq., who has resigned.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

9 June.

9th June, 1798.

Parole—Fair.

Countersign—Equitable.

Purchasing
goods from
ships.

MANY officers, as well as other persons, having complained to the Governor of the distress they suffer from the continual monopolys which are made by various descriptions of persons in this colony in the purchasing of such articles as ships arriving here may have for sale: To prevent, as far as possible, this highly censurable and unjust proceeding, it is hereby strictly ordered that no boat or person whatever do attempt to board any ship or vessel arriving in this port until she shall have been secured in Sydney Cove, and the master may have been with the Governor and received his Port Orders; the pilot-boat, or such boat as the Governor may send with an officer for his dispatches, excepted. It is hoped and expected that after this Order no attempt of a nature so extremely injurious to the comfort of others will be made, every person having an equal right to purchase what they be in want of.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

11 June.

11th June, 1798.

Parole—Ceylon.

Countersign—Colombo.

Disposal of
a ship's
cargo.

A SHIP* from Bengal having arrived yesterday in the harbor with an assortment of such articles for sale as the colony in general may be in want of, the Governor, in order that every inhabitant may have an opportunity of purchasing whatever their circumstances can afford, has given directions that no part of the cargo be disposed of until he has heard from the settlers in the different districts what sums of money they can raise. For this end he desires that they will give him information on that subject by next Saturday, or, if possible, earlier, and that they fix upon some capable person to manage their purchase, and into whose hands they can deposit their money, which it is to be understood must be in Government notes now in their possession, and not upon the strength of their crops which they can purchase.

JNO. HUNTER.

* The snow Hunter. She belonged to the same proprietors as the ill-fated Sydney Cove, and was named in compliment to Governor Hunter.

THE GOVERNMENT STORES.

403

GOVERNMENT AND GENERAL ORDER.

1798

15th June, 1798.

15 June

Parole—Salset.

Countersign—Malabar.

On Friday, the 22nd instant, certificates will be granted to such persons as have completed their term of transportation. Those who are entitled to them will call at the Commissary's office in Sydney on the above day.

Certificates of freedom.

JNO. HUNTER.

ACTING-COMMISSARY WILLIAMSON TO GOVERNOR HUNTER.

Sir,

Sydney, 16th June, 1798.

16 June.

Being informed that your Excellency has been told impositions and frauds have and are very likely to be committed at the stores where the wheat and maize are received from the officers and settlers, &c., in consequence of which I think it my duty to lay before your Excellency the manner in which I have received grain and maize into his Majesty's stores, which I hope will convince your Excellency that it is impossible for any one of the storekeepers to commit a fraud without my being very soon able to detect them.

Method of receiving grain into stores.

Upon my receiving your Excellency's order to receive grain, &c., into the stores for a limited time, I immediately calculate what number of bushels will nearly serve the issue for that time, after which I give the orders to the Deputy Commissary and storekeepers to receive the quantities so calculated at the different stores in their charge, with particular instructions to take care that the grain, &c., is clean and fit for the store; at the same time I send them blank vouchers, wherein is inserted the quantity received from the different people by the Deputy Commissary and storekeepers and then returned to me.

The probable requirements.

From these vouchers the bills are made out by me, which I carry to your Excellency for approval along with the vouchers.

Since this plan has been adopted it is evident frauds cannot be practised without immediate detection, as the issue generally agrees with the quantities received for the time limited, making the usual allowance for the grain drying, wastage by issue, and the destruction made by the rats and weevil.

Prevention of fraud.

Your Excellency will remember that I some time ago was informed that Mr. Hume, the storekeeper at Parramatta, had been guilty of some improprieties at the granary, upon which I immediately went and examined the stores and remeasured the whole wheat on hand under his charge, and found the deficiency betwixt receiving and issuing no more but might reasonably be expected for the limited time. Notwithstanding this, from several charges brought against him to me, I thought it prudent (to give him an opportunity of exculpating himself from such gross and infamous charges) to bring him to a criminal trial, which terminated in his acquittal. From some evident irregularities

Charges against a storekeeper.

1798
16 June.
Discharged
from his
office.

of conduct in him, your Excellency thought proper to discharge him from his office as storekeeper. The frequent visits which I pay to all the stores in the settlement puts it entirely out of the power of any particular fraud being committed. At the same time allow me to observe to your Excellency that I am perfectly satisfied at this time with the present storekeepers, and that not one of them would be guilty, or even think of committing, the least fraud against his Majesty's stores.

I remain, &c.,

JAMES WILLIAMSON.

LIEUTENANT-GOVERNOR KING TO UNDER SECRETARY KING.

Sir, 22, Arundel-street, Strand, 16th June, 1798.

As the ship* in which I am about to return to New South Wales is getting ready, I beg permission to submit the following circumstances to your consideration.

Civil Court
required at
Norfolk
Island.

Permit me, sir, to repeat the great necessity there is for a Court of Civil Judicature being established on Norfolk Island, as much disquietude has been occasioned by the unavoidable removal of settlers and their witnesses to have their disputes of property settled by the Civil Court of Port Jackson, which, from the uncertainty of their return from thence, has often involved many industrious persons in ruin. Anxious to prevent these inconveniencies in the year 1796, I adopted the mode of endeavouring to settle these claims and disputes by a temporary Court of Arbitration and Award conformable to the enclosed;† but an experience of that regulation did not promise any permanent advantage, which induces me to request that a Court of Civil Judicature may be established on Norfolk Island, which will not only rescue many industrious people from eventual ruin, but greatly tend to conciliate them to the island. And as the Judge-Advocate is unprovided with the law-books which are absolutely necessary, I beg to request that he may be allowed an assortment similar to that furnished the Judge-Advocate of New South Wales, a list of which I have the honor to enclose.

A Court of
Arbitration.

Stationery.

As an assortment of stationery will be necessary for the publick service of Norfolk Island, I have taken the liberty of procuring a list of such articles from the Comptroller of the Stationary Office, which amounts to £25, and have to request you will consider how far that allowance may be proper. And as I can procure a small printing-press for six guineas, which will be useful for the quick dispersion of necessary orders, &c. (there being one at Port Jackson), I shall be much obliged by that indulgence being extended to Norfolk Island.

* H.M.S. Porpoise. She was subsequently condemned, and a vessel purchased to take her place.—Post, p. 723 and note.

† Not available.

From the great expence of fitting my family with necessaries, not only for the voyage to but also for my residence on Norfolk Island, and the small property I possess, which I can assure you, sir, in the fullest extent of truth, does not exceed £1,500 in the 4 per cents (the interest of which must pay the education of a son I leave in England), compels me to request being allowed the sum I paid for my passage from the Cape to England in the Contractor, India ship, which amounted to the sum of £170, should such an indulgence be admissable.

1798

16 June.

King's expenses.

Previous to my leaving Norfolk Island my private stock of sheep and goats were valued, and delivered into the Comisary's charge as stock belonging to the Crown, directing the males to be kill'd and issued on account of the publick, and a separte account to be kept of that expence as well as of their increase, which must now be trebled, until it was known if Government would purchase it, as was done with the private stock of Gov'rs Phillip and Grose, and Colonel Paterson, &c. As I am returning to that colony, I do not wish to part with my sheep; but as it will be of the greatest convenience to my private concerns (for the reasons above given) to receive payment for the goats, whose numbers must now be considerably increased, I hope there will be no impropriety in my requesting your consideration of the causes which compel me to request you will be pleased to move his Grace the Duke of Portland to allow me the indulgence of receiving payment for the goats, agreeable to the enclosed voucher, for which I have cancelled the charge for sheep, as well as my other requests, in such a manner as his Grace may deem proper.

His private stock of sheep and goats.
Asks for purchase of goats.

I have, &c.,

PHILIP GIDLEY KING.

AGREEMENT* BETWEEN OFFICERS AND OTHERS.

Sydney, New South Wales.

18 June.

WE, the undersigned, and each and every of us, do hereby covenant and agree with each other that on the arrival of any ship or ships in any of the ports within the limits of this Government having goods, wares, or merchandizes on board for sale, two officers be chosen and nominated from amongst ourselves who shall, on the part of the whole, be authorized and empowered to treat with the captain, commander, or master thereof for the purchase of such goods, wares, and merchandizes, signifying to such captain, commander, or master by whom they are so employed.

Officers as traders.

And we severally and respectively bind ourselves to the performance of whatever agreement may be entered into by such officers so chosen and nominated as aforesaid in our names; and we further agree and engage that we will not directly or indirectly, either by ourselves or by any persons to be employed by us, attempt to make any purchase of such goods, wares, and merchandizes contrary to the tenor of this agreement, or that shall

* Post, p. 408 and note. See also Portland's comment on Hunter's Order.—Post, p. 734.

1798 in anywise be deemed by the most unlimited interpretation there-
 18 June. fore [thereof] to interfere with any bargain that may be pending
 between those delegated and employed by us as aforesaid and the
 venders of such wares and merchandizes.

The disposal
 of ships'
 cargoes.

And further, that at no time after it shall be declared to us by
 our agents that no bargain has been or can be made by them on
 our account will we purchase, individually or otherwise, any goods,
 wares, and merchandizes which they may have declined to buy,
 or will we connive at or suffer them to be purchased for ourselves,
 our families, or on our account, in any manner whatsoever, even
 tho' such goods, wares, or merchandizes, or any part of them, should
 be landed in any part of the settlement, and be reported or
 declared to be the property of an inhabitant, and exposed for
 sale, binding ourselves each to the other in the penalty of one
 thousand pounds sterling, to be forfeited, recovered, and paid by
 these presents from whomsoever shall be proved to the satisfaction
 of the majority of the undersigned to have departed in any one
 instance from the tenor of this agreement.

A binding
 clause.

And we further bind ourselves and engage for ever afterwards
 to avoid the company of any individual, and to consider him an
 infamous character, who shall be convicted of a breach of these
 articles.

And we moreover engage and bind ourselves each to the other
 that no person who shall sign and subscribe this instrument
 shall be suffered to withdraw his name therefrom until after the
 expiration of twelve months from the day of the date hereof, and
 that if any dispute shall arise amongst any of the parties hereto
 a meeting shall be assembled, the majority of which shall decide
 upon the matter in question.

As witness, our hands, this 18th day of June, 1798.

Signed by some of the principal inhabitants and the whole of
 the military officers.

GOVERNMENT AND GENERAL ORDER.

18th June, 1798.

Parole—Just.

Countersign—Honest.

False
 measures.

THERE being much reason to suspect that the owners of those
 boats which are employ'd by the settlers at the Hawkesbury in
 bringing round to Sydney their crops of wheat and maize are in
 the habit of practising the most unpardonable impositions upon
 those settlers by the use of false measures,* the Governor, desirous
 of putting an early stop to such species of robbery, desires that the
 magistrates of Sydney and Parramatta will issue their orders that
 all measures be brought forthwith to the public store at Sydney,
 and there to be proved and stamped, and that any measure which
 may be used without such stamp or mark be immediately seized
 and its owner prosecuted.

J. A. HARRIS.

* Post, p. 447.

SIR A. S. HAMOND TO SIR JOSEPH BANKS. (Banks Papers.) 1798

Dear Sir Joseph, Navy Office, 20th June, 1798. 20 June.

We are getting on with the equipment of the Porpoise for New So. Wales, and nothing now seems to require deciding upon but the mode of constructing the garden. I should be glad to receive some plan from you for the purpose, but I rather wish it was convenient for you to fix some day to meet Sir John Henslow and Govr. King at Deptford Yard to determine upon it. Sir John has taken a great deal of pains in providing for the accommodation of the various passengers, and has a great desire to make the ship as compleat for the purpose for which she is intended as possible. Do me the favour to let me hear from you upon this subject.*

Ever, &c.,

A. S. HAMOND.

GOVERNMENT AND GENERAL ORDER.

22nd June, 1798. 22 June.

Parole—Devonshire. Countersign—Cornwall.

RICHARD DORE, Esq., is appointed Secretary to the Governor.

JNO. HUNTER.

The Governor's secretary.

UNDER SECRETARY LONG TO SIR JOSEPH BANKS. (Banks Papers.)

Sir, Treasury Chambers, 22nd June, 1798.

Having laid before the Lords Commissioners of his Majesty's Treasury a letter from his Grace the Duke of Portland, stating that you have represented that many useful European plants are still wanting at New South Wales, particularly the hop, which, with the necessary tools, &c., for the gardiner intended to be sent with them, may be provided for about £50, and desiring that directions may be given for erecting a small plant-cabin on board the Porpoise, armed vessel, now on her departure for that place, I am commanded by their Lordships to desire you will have ye goodness to provide the said plants and tools accordingly, and transmit the bill for the same to this office for payment; and I am to acquaint you that my Lords have directed the Commissioners of the Navy to cause such a plant-cabin, as you may approve, to be erected on the vessel aforementioned. I am, &c.,

Plants to be sent out in the Porpoise.

CHARLES LONG.

* The following memo., in Sir Joseph Banks's handwriting, is endorsed on this letter :—
 "Met Sir John Henslow, June 23rd, at Deptford. Agreed that the dimensions of the plant-cabin should be the same as that of the Discovery, only, as he thought it right to place this upon 8-inch (word illegible), that 8-inch headway was to be allowed for the plants more than in the Discoverie's, which stood flat on the deck, the whole to be fitted with boxes instead of pots, which will be eighteen in all, of 21 inches square, inside measure, and 18 inches high. I repeatedly asked if the size, 6 x 12 feet, would not be too large for the ship, and produce inconvenience in working her, in which case the dimensions might and ought to be diminished, but was always told that it would do very well."

1798

GOVERNMENT AND GENERAL ORDER.

25 June.

25th June, 1798.

Parole—Margate.

Countersign—Ramsgate.

Hunter
sanctions
agreement
of officers.

SEVERAL misapprehensions having taken place thro' the appointment of improper persons as agents to superintendants, settlers, and others: The inhabitants are hereby inform'd that the Governor having been assured by the officers that they will most readily stand forward in behalf of the whole colony, and purchase from ships calling here whatever goods or comforts they may have for sale, and that every person having money to purchase may claim their proportion of such purchase without the assistance of any other agent, which will be the means of their receiving the articles at a much lower rate: This being the case, every person is desired to keep the possession of their own money until they are apprised by public notice that a cargo has been bought, the officers having undertaken the trouble of officiating as agents for the general benefit of the whole colony.*

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

1 July.

My Lord Duke,

1st July, 1798.

Norfolk
Island.

From the condemnation of his Majesty's ship Supply, and the very heavy and tedious repairs of the Reliance, the intercourse with Norfolk Island has been less frequent than I could have wished it. This circumstance gave occasion to the commanding officer upon the island, Captain Townson, to build a decked boat to forward his letters to me, and that boat reached this port on the thirteenth day of June last, with an account of their distresses for want of implements of husbandry, cloathing, and various other stores. I am concerned to say that these their distresses are of a nature which we have not had it in our power to relieve, had I even been in possession of a vessel to send thither, the people here being nearly naked, and the convicts which arrived in the last ship being put on shore wholly in rags, without a bed to lay upon, the Barwell having brought out nothing adequate to supply their wants.

Colonists
nearly
naked."Fraternal
Society."

Captain Townson complains of the settlers and others upon the island having entered into an association, which it seems they have called the Fraternal Society of Norfolk Island. The settlers have written to me, and have denied having given any name to their meeting, but complain of the difficulty in getting their swine's flesh

* Hunter appears to have been singularly blind as to the natural effect which such an agreement would have in encouraging officers to engage in trade, a practice to which he attributed many of the troubles of the settlers. Portland, in commenting on this Order in his letter of the 5th November, 1799, post, p. 734, expressed his surprise and his fear that officers who had disgraced his Majesty's service by engaging in trade would regard their conduct as sanctioned by this Order. The agreement is printed at pp. 405, 406, ante.

taken into the store, through improper and prevailing monopolys. Your Grace will see by the copy of my letter to Captain Townson (enclosed in No. 30)* what I have said on that subject; and as I conceive that there is something extremely improper in the manner of the meeting of the settlers on the island, enclosed is the copy of a printed paper I have sent there for the information of the inhabitants in general. The variety of complaints from that island induces me to wish that if Governor King does not return a successor may be appointed as early as possible; to forward those complaints to your Grace, many of which are of a private as well as of a local nature, may not be necessary. I shall do all in my power to render justice to the parties, and to settle all differences. It is a subject of real concern to me to find so many.

1798

1 July

A successor
to King.

The number of swine on the island being more than sufficient for the consumption of the inhabitants, I propose to offer, if they will salt down their surplus, and warrant its keeping for a certain time, to take it off their hands; but it seems they have not sufficient salt-pans, nor have they saltpetre and coarse sugar for properly curing it. I am, therefore, fearful that this project will not have the desired effect.

Salting
pork.

I have already mentioned their having often failed in their endeavors to raise wheat. I now understand they have abandoned the attempt. We intend, therefore, as frequently as possible, to supply what we can spare. The Reliance carried thither about twelve hundred bushels, together with a proportion of every kind of store in our possession.

Failure of
wheat at
Norfolk
Island.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

GOVERNMENT AND GENERAL ORDER.

12th July, 1798.

Parole—Dumfries.

Countersign—Galloway.

It is with much astonishment and displeasure that the Governor has been informed of the very unwarrantable association entered into by the settlers and other persons upon Norfolk Island, and which he understands they have in the most seditious manner termed, The Fraternal Society of Norfolk Island.

A "Fraternal
Society"
at Norfolk
Island.

No complaints or grievance whatever can be admitted as a sufficient reason for a step so pregnant with danger to the tranquility of the inhabitants of that island, nor can there be the shadow of an excuse for such an association. It is the duty of the inhabitants, if they feel themselves laboring under any grievance, whether real or imaginary, to lay their complaint respectfully before the commanding officer upon that island, and this representation should be made by one or two persons chosen for that purpose,

Complaints
to be made
through
proper
channel.

*The enclosures to Hunter's letter to Portland, No. 30 (10th January, 1798), are missing.—
Ante, p. 343.

1798
1 July.

All other
methods
illegal.

and not by a numerous body of people. If the complaints should be of such magnitude as cannot be completely redress'd by the Commandant, it will be by him forwarded to the Governor-in-Chief, who will pay every attention the circumstance may require. Every other mode of obtaining redress is highly illegal, and can only serve to expose those who may be concerned to a very considerable degree of danger, as every step which is in our circumstances practicable will at all times be taken to remove anything which can be considered as oppressive or distressing to the inhabitants of Norfolk Island. They must recollect that their representations are expected to be made in the most peaceable, decent, and moderate manner.

The Governor hopes he may understand from the commanding officer that such persons who were concerned in this unwarrantable association have since shewn a proper degree of contrition for their highly censurable conduct in this instance, and that they endeavour by proper attention to the peace and quiet of the settlement to convince him that this improper step has proceeded more from ignorance than from want of that respect which is due to the commander and the officers upon the island.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

2 July.

General
muster.

Parole—Catwater.

2nd July, 1798.
Countersign—Hamoaze.

A GENERAL muster of all the inhabitants of the colony is intended to take place at Sydney, Parramatta, and the Hawkesbury, and is to commence at each of those places on Monday, the 16th instant, on which day all the laboring men, whether free or otherwise, are to appear and answer to their names; on Tuesday all the settlers will be called, and on Wednesday the women will be muster'd. It is hereby order'd that every person do attend strictly at the store of the district in which they reside. If any shall disobey this Public Order they will be immediately apprehended for such disobedience, and treated as the nature of their crimes may upon enquiry be found to deserve.

The surgeon will answer for such of the sick as are unable to appear.

JNO. HUNTER.

3 July.

Terms
allowed to
settlers.

SIR JOSEPH BANKS TO G. ANFRERE, Esq. (Banks Papers)
My Dear Sir, Spring Grove, 3rd July, 1798.

Governor King's illness has prevented me from sooner procuring the statement which I promised to send you of the terms* which Government allows to such settlers as are permitted to go to New South Wales in the character of honest men.

* See also ante, p. 358.

They have a house built for them at the expence of the public. 1796

They have a grant of two hundred acres of land, or more if they have money sufficient to clear and cultivate more. 3 July.

They have the usual instruments of husbandry to begin with Tools. issued to them out of the King's stores.

They have the labor of two or three convicts, or more if they have money to clear and cultivate a larger tract of land, and these convicts are fed out of the King's stores for nine months. Convict labourers.

They have provisions for themselves and families supplied out of the King's stores for twelve months. Provisions.

They have a free passage out, and provisions during the passage gratis, with a decent separate cabin. Free passage.

This is the state of the matter as well as I can learn, and these are the terms offered to handicrafts likely to be usefull to the infant colony. These terms Suter [Suttor] may have if he chuses to accept them, on condition of his employing himself during the passage out in taking care of eighteen boxes of plants of the usefull kinds which are to be sent out in the ship. An early settler.

As he is a very young man, and as I suspect that his motive for going is the love of a very young woman, I would still have him consider carefully what he does before he finally resolves to engage himself. I do not insist upon his offer now, but he must in a very few days let me know his determination.

The reason I do not insist upon his engagement is because he tells me he cannot raise above £20, and it appears to me highly imprudent for any married man to undertake such a business who is not possessed of one or two hundred at the least, if he is not a handicraftsman. Capital required.

He will have furniture for his house to provide, cloths for himself and family, draught cattle to purchase, outbuildings of all kinds to build at his own expence, and he ought to carry out implements of husbandry of the best kinds, as those purchased by Government are generally of a very inferior sort; and if he looks forward to future opulence he must have more than 200 acres, which will not be granted to him unless he carries out some capital, and can shew some probability of his being able to bring it into cultivation in regular course of business. Expenses of settlers.

Will you, my dear sir, be so good as to converse with him on the subject of his expectations. I am quite ready for him if he chuses to go, and the cabin intended for him and his wife, which I have approved of, is by this time fixed up; but I would not by any means wish a young man for whose family you seem to have a regard to engage without sufficient warning of the difficulties, as well as full knowledge of the benefits, likely to accrue to him. I shall be in London on Thursday. If he has by that time made up Banks's advice to an intending emigrant.

1798 his mind, he may call upon me at 9 o'clock, and I will finally agree
 3 July. with him ; if not, I will let you know by my mother when I shall
 next be there. I am, &c.,

JOS. BANKS.

P.S.—He may be sure that in New South Wales, as in all new colonies, produce will be dog cheap and Europe trade of all kinds exorbitantly dear.

EVAN NEPEAN TO CAPTAIN DAVID COLLINS.

4 July.

Sir,

4th July, 1798.

Collins's
rank in the
marines.

Hav'g laid before my Lords Com'rs of the Adm'ty your letter of the 6th of last mo' requesting, for the reasons given, that their Lordships will restore you to your rank and situation in the marine corps, I am com'd by their Lordships to acquaint you that, as no trace appears in this office of any engagement of the nature you mention, their Lordships cannot allow of your being placed on full pay.

I am, &c.,

E.N.

GOVERNMENT AND GENERAL ORDER.

5 July.

5th July, 1798.

Parole—Penzance.

Countersign—Cornwall.

The road
between
Sydney and
Parramatta.

THE land carriage between Sydney and Parramatta having by the late heavy rains been render'd almost impassible, the officers and others who have at present any of the public servants in their service are desir'd to send each one man on Monday next for the purpose of repairing the road above mentioned wherever it may be requisite. The whole to be under the direction of Mr. Divine. Those laboring at Parramatta will begin the repairs from thence, and be under the direction of a diligent overseer, and they will meet those from Sydney who begin their repairs from thence.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

9 July.

9th July, 1798.

Parole—Cork.

Countersign—Ireland.

Sailors
landing
without
permission.

SEVERAL complaints having been made to the Governor that the seamen belonging to some of the merchant ships in this harbor have upon various occasions insulted the sentinels upon their post, and that they make it a practice at all hours, in direct opposition to the Port Orders, to pass to and from their ships whenever they please: It is his Excellency's positive orders that the commanders of the different ships do command and inform their men that they

are not to be out of their respective ships after dark ; that if they are found on shore at an improper hour they will be liable to be taken up and confin'd, and that if they are noisy, riotous, or insolent they will receive such punishment as their crime may deserve.

1798

9 July.

JNO. HUNTER.

THE TRANSPORT COMMISSIONERS TO UNDER SECRETARY KING.

Sir,

Transport Office, 11th July, 1798.

11 July.

Captain Campbell, our agent at the Cape of Good Hope, having transmitted to us a letter which he has received from Simon Murchison, late 2nd mate of the Lady Shore, giving some further particulars respecting the seizure of that ship by the soldiers on board belonging to the New South Wales Corps, we inclose to you a copy of the same, for the information of his Grace the Duke of Portland, and are, &c.,

The seizure
of the Lady
Shore.

RUPT. GEORGE.

AMBROSE SERLE.

WM. AY. OTWAY.

[Enclosure.]

S. MURCHISON TO CAPTAIN CAMPBELL*

On board the Tobago, Table Bay,

Sir,

21st January, 1798.

I have, according to your request, inserted the most particular transactions of Mr. Minchin's bad conduct and want of carrying on good discipline that I could recollect from the time the troops first embarked till the capture of the ship.

Adjutant
Minchin.

Ensign and Adjutant Minchin and the troops under his command embarked on board the Lady Shore at Gravesend. He being in the first boat that came alongside, he requested of me to shew him the place that was fitted up for the soldiers, which I did. While we were viewing the apartments he told me that we must look very sharp after some French and Irish deserters that were coming on board ; that one of the Frenchmen had told General Fox, prior to their leaving Chatham Barracks, that if they could not take the ship they would set her on fire, for to Botany Bay they would not go. When I went on deck I found the boat they were in alongside, and perceived a strong guard round them. When the guard delivered their charge they went ashore, and the deserters were set at liberty about the ship. A few days after they came on board Mr. Minchin had two chests of arms out of the hold, and to my great astonishment I saw muskets, bayonets, and cartridge-boxes served out to the men that were put on board by the guards, and put as centinels in different parts of the ship, the same as the regular soldiers, with ammunition in their boxes. One day, while

Dangerous
recruits.Served with
arms.

* Captain Donald Campbell, resident agent for transports at the Cape of Good Hope.

- 1798 laying at Portsmouth, the non-commissioned officers took up both sides of the quarter-deck. Mr. Lambert,* the first mate, ordered them forward, which they refused, and said they had a better right to walk the quarter-deck, or any other part of the ship, than he had. Mr. Lambert immediately made a complaint to Mr. Minchin, who came up to the top of the ladder, and told them they had no right to walk the quarter-deck. Some obeyed, after a deal of insolence; but one Serjeant Hughes absolutely refused. Some high words ensued between the mate and him (what they were I do not know, as I was not present) till Mr. L. came to my cabin door, and told me to arm myself and come to his assistance, which I did. I saw Hughes going down the main hatchway for his sword, swearing he would cut a limb off the first man that would stop or oppose him in walking the quarter-deck, but was stopped by Major Semple, a convict, who took the carpenter's broad ax, which was laying by, and told him he would split his head if he lifted a sword or any other weapon against any officer in the ship, which made him turn back. When Captain Wilcocks came on board in the evening we told him what had happened, and that Mr. Minchin was below all the time, and refused to check or punish Hughes. The captain went immediately and told Mr. M. he insisted on having Hughes punished. He for some time refused, till after a long argument he consented, and gave orders to put Hughes in irons—one hand was put in till daylight. On our passage to Torbay the captain was abused by another serjeant for asking him what he wanted when the captain saw him listening to hear what he was saying to the sailors, who were all collected before him. While we were in Torbay the ship was in great confusion. The captain, finding it impossible to get her into any good order (as Mr. Minchin would not, nor could not, take an active part in arranging his men, and bringing them under good subordination, who were getting more riotous every day), wrote to General Fox, and, I think, to the Duke of Portland, about the disorder the troops were in, who sent Colonel Grose to inspect them. He stayed on board a few minutes, but did not give the captain any satisfaction. On the contrary, when he asked him if it was consistent with the rules of transports for the soldiers to keep fire-arms and ammunition, and particularly the men who came in irons, in their possession, he was answered by the Colonel, "It was perfectly right." He went on shore, and promised to be back in the morning. The captain went on shore and found that he set off for London as soon as he landed. A few days after we put into Falmouth the captain received a packet from the Transport Board, enclosing Colonel Grose's report to the Duke of Portland, and the Duke's letter to the Transport Board. The Colonel in his report states that the captain he found was a passionate overbearing man, and he was almost positive the ship would never reach

1798
11 July.
A dispute.

Major
Semple
interferes.

Adjutant
Minchin.

Disorderly
troops.

Colonel
Grose's
report.

* Mr. Lambert was killed by the mutineers.—*Ante*, pp. 392-397.

New Holland. These letters, and copies of all the letters that passed betwixt the captain, Colonel Grose, and Mr. Minchin, the purser, Mr. Black, has in his possession. A few days before we sailed Mr. Lambert was very grossly insulted by one of the corporals and his wife; the former knocked him down twice, and the other knocked the dirty clothes she was washing about his face. All this Mr. Minchin was going to pass unnoticed, had not Captain Willcocks insisted on having them punished, and observed if such acts of mutiny were overlooked he and all the ship's officers would lose their command very shortly. Minchin, after many equivocations, and pleading the man was an officer, and could not be punished without a Court-martial, had him confined, and a Court-martial was called, which were two boys, who were officers going to the West Indies. A few days after we sailed the sentence of the Court-martial was read, which was "that the man was to beg Mr. Lambert's pardon"; but this was never done. When at Falmouth one of the female convicts told me she heard Mr. Minchin intended to put the captain in irons when he got to sea. This I paid little attention to till I enquired concerning her author, whom I found to be Minchin's own servant, and she referred me to Mr. Prater's servant, who told me they were talking publicly about it at dinner before all the servants. When I told it to the captain he informed me he knew it. He was sent for by a Mr. Crofton, who was obliged to leave the ship, and was at table when it was mentioned. I have only one thing more to state, and am fully of opinion it operated much in turning the minds of the seamen against the captain and officers, otherwise they would never have come into the measures of the mutineers or obey their orders in navigating the ship. For some time after we left England the seamen had free intercourse with the convict women. This offended Mr. Minchin, as the passage to the great cabin and to the steerage was down the after hatchway. Mr. M. wrote to the captain to keep the women forwards, and if he did not consent he would give orders to his men not to put hand to a rope while they remained in the ship. Captain W., to make it as agreeable as possible, sent the women forward, and a sentinel was put on the fore hatchway, not to allow the seamen to go down only on duty. It would have been impossible for the Frenchmen to have kept the ship many hours had not Mr. Minchin (before I was let out of my cabin) called out to his men to make no resistance, and to give up their arms, which was done before daylight.

His conduct while on shore at Rio Grand was infamous. He passed Major Semple as a Dutch major, and sat at the Governor's table with him. The above is the most, to the best of my recollection and knowledge, that happened. I am, &c.,

SIMON MURCHISON,
Late 2nd officer of the Lady Shore.

1798

11 July.

The first
mate
assaulted.A Court-
martial.

A rumour.

Seamen and
convict
women.Minchin and
Semple.

1798

THE REV. RICHARD JOHNSON TO THE DUKE OF PORTLAND.

12 July.

My Lord Duke, Sydney, New S. Wales, 12th July, 1798.

The
chaplain's
health.

I beg leave to inform your Grace that my health has for some time been upon the decline, and that at present I am in so weak a state as not to be able to discharge the duties of my sacred office. The faculty here have frequently given it as their opinion that the only, or at least the most likely, means of my health being restored is by returning for a time to my native country.

He asks for
leave of
absence.

On this account, and that I may likewise have an opportunity of settling my domestic or private concerns at home, I hope your Grace will be pleased to represent my wishes to my most Gracious Sovereign, and that his Majesty will be graciously pleased to grant me leave of absence from the colony untill my health is better; in doing this your Grace will confer the greatest obligation upon, &c.,

RICHARD JOHNSON.

THE SYDNEY THEATRE.*

17 to 20 July

July 17th to 20th, 1798.

The first
theatre.

THE theatre at Botany Bay was intirely built by the convicts, and cost about an hundred pounds. With singular propriety, the gallery is the largest part of the house. The admission is one shilling, which is paid either in money or in flour or meat. A benefit for the widow of a soldier who was drowned produced twelve pounds.

GOVERNMENT AND GENERAL ORDER.

19 July.

19th July, 1798.

Parole—Britannia.

Countersign—England.

Hours of
labour.

THE officers and others who are desirous of retaining in their service at their own expence a certain number of labouring people have represented to the Governor that by the present mode of performing, which is called taskwork, the labor perform'd is not near equal to the expence of maintaining the labour. It is therefore ordered that the working people do return to the original working-hours as regulated in October, 1795, viz. :—From daylight until 8 o'clock, work; from 8 until 9, rest; from 9 until $\frac{1}{2}$ -past 11, work; from that time until 1, rest; from thence until sunset, work.† This regulation will continue until it shall appear that by the establishment of what may be considered as fair and proper task it be no longer necessary.

JNO. HUNTER.

* Reprinted from the *Edinburgh Advertiser* of 18th May, 1798. The theatre was erected by an ex-convict named Sidaway. *Saunders' News-Letter* of 12th September, 1797, mentioned that Sidaway was living in a state "of great respectability," and that he had a contract for serving the colony with bread, and a free grant of "several hundred acres of land, which he cultivated."

† These hours of labour do not quite agree with those notified in Hunter's Order of the 9th October, 1795, which were as follows:—"From daylight until ten o'clock in the forenoon, and from two o'clock in the afternoon until sunset."—Vol. ii, p. 323. They are, however, identical with those established by Government and General Order of 17th November, 1796.—*Ib.*, p. 338.

IMPORTATION OF SPIRITS.

417

GOVERNMENT AND GENERAL ORDER.

1798

21st July, 1798.

21 July.

Parole—Duke.

Countersign—Marquis.

THE Governor desires to have a return of the live stock in the possession of officers, settlers, and others, and also an account of lands cropp'd with wheat and what may be intended for maize this season. The officers will forward their returns to Captain Johnston by the 1st of August, and the constables of the different districts will collect the accounts from the settlers in their respective districts, and forward them by the above time to the nearest magistrate, who is requested to send them to the Governor as soon as received.

Live stock
and
cultivation.

JNO. HUNTER.

UNDER SECRETARY KING TO THE TRANSPORT COMMISSIONERS.

Gentlemen,

Whitehall, 23rd July, 1798.

23 July.

The Duke of Portland has received a letter from Gov. Hunter, dated 6th July, 1797,* in which, after stating the great evils arising from the introduction of spirituous liquors into the settlement of New South Wales, he proposes, as appears by the within extract of his letter, a mode for preventing the same by inserting a clause in the charter-party of any ships sent there, which would serve to deter them from landing anything forbidden by the Port Orders without a regular permit. I am directed by his Grace to refer you to my letter of the 6th Feb. last, and to inform you that his Grace particularly desires that the means suggested by the Governor may be taken, in order to secure obedience to his orders respecting the landing of any spirituous liquors without his license or permit first obtained.

The traffic
in spirits.

I am, &c.,

J. KING.

THE TRANSPORT COMMISSIONERS TO UNDER SECRETARY KING.

Sir,

Transport Office, 23rd July, 1798.

In answer to your letter of this day's date, relative to the sailing and detention of the Minerva, convict ship, we beg you to acquaint his Grace the Duke of Portland that we are informed the Minerva sailed from Gravesend on Saturday last, from whence she would have proceeded some time before but for a disagreement which subsisted between the committee for shipping at the East India House and the owner, relative to a freight homewards after the delivery of the convicts at New South Wales. As this difference is now accommodated, we trust no further delay will ensue to the ship in the prosecution of her voyage. We are, &c.,

The
transport
Minerva.

RUPT. GEORGE.

AMBROSE SERLE.

JOHN MORSEBY.

* Ante, p. 240. See also Portland's reply, ante, p. 367.

1798

UNDER SECRETARY KING TO LORD CASTLEREAGH.

24 July.

My Lord,

Whitehall, 24th July, 1798.

Delay of the
Minerva.Lists of
convicts.

Having communicated with the Transport Board on the subject of your Lordship's letter to me of the 10th inst., I am directed by the Duke of Portland to transmit your Lordship, for the information of his Excellency the Lord Lieutenant, a copy of a letter which I have received from the Commissioners of the Transport Service, stating the cause of the delay of the *Minerva*, convict ship. I also take this opportunity of inclosing to your Lordship an extract of a letter which has lately been received from Governor Hunter,* for his Excellency's information, urging the necessity of having lists transmitted to him of all such convicts as are sent to New South Wales; and I am further directed by the Duke of Portland, after referring your Lordship to my letters to Mr. Cooke, of the 9th of February, 1797, and 20th of March, 1798, to suggest the propriety of sending to Governor Hunter correct lists of all the convicts who have been transported from Ireland to New South Wales, including those now about to sail in the *Minerva*, which have not already been transmitted to him, and also the propriety of sending by the *Minerva* duplicates of such lists as have already been transmitted to the Governor.

I have, &c,

J. KING.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.†

Sydney, New South Wales,

25 July.

My Lord Duke,

25th July, 1798.

Hunter's
reply to
charges of
maladminis-
tration.Captain
Macarthur.

I have been highly gratified by the opportunity which your Grace has afforded me of replying to that most extraordinary and unjust representation of the measures which have been pursued by me for bringing out of a mass of the most unexampled confusion and disorder which have surrounded me in this settlement ever since my arrival, that order upon which I have ever conceiv'd the prosperity of the colony to depend; by a man whose restless, ambitious, and litigious disposition has been so often experienced in this country and known both at the War Office and at your Grace's; and which, had it been as fully represented as it merited and ought to have been, wou'd at least have occasioned his removal from it long ago, to the great comfort of private society, and no small advantage to the public service. He is known, my Lord, to

* The extract referred to in the above letter is from Hunter's despatch to Portland, 28th June, 1797, beginning—"The ship *Britannia*, with convicts from Ireland, arrived the 27th May," and ending—"and will require some time to recruit before we can set them to work."—Ante, p. 235.

† This letter was marked by Governor Hunter as "Separate and Particular." It was written shortly after the arrival of the *Barwell*, by which the Duke of Portland sent to Governor Hunter Captain Macarthur's letter of the 15th September, 1798 (ante, p. 131), with the remark that the "proper channel of conveyance for Captain Macarthur's representation was that of the Governor."—See Portland to Hunter, 30th August, 1797, ante, p. 293.

have been the prompter of all that violence on the part of the defend'ts (military) in the civil prosecution which I laid before your Grace, and which you so severely and so justly censur'd.*

1798

25 July.

I will not, my Lord, so far lose sight of my own character, nor the high respect which is due to your Grace, as to follow his shameful example, and to substitute empty and ill-founded assertion for positive proof; but I will reply to all his scandalous insinuations and opinions, and demonstrate by well-known and stubborn facts that for reason which I will not attempt to develope, he has been artfully striving to mislead your Grace's judgement, and endeavour'd to withdraw from others that censure which in opposition to both truth and justice he has attempted to make over to me.

A charge of misrepresentation.

I must here request permission to observe that I have been well inform'd that this man was so highly captivated by the frequent reading of his shameful composition to your Grace that he ventured to express an opinion his representation would, without any enquiry into its truth, occasion the removal of the Governor.

A rumour.

Pardon me, my Lord, if I observe that melancholy and distressing indeed must be the situation of a commander-in-chief in this distant part of the world if such false and infamous representations of his management by designing individuals shall pass without notice. No man's character can be safe, unless he shall be found to suffer the public interest to be sacrific'd to accommodate that of the private dealer; and permit me, my Lord, to say farther, that when he shall be known to do that with his eyes open and his judgement clear, he does then, in my opinion, merit being spurn'd from the service of his Sovereign, and cast upon the world as a beggar.

Hunter's "melancholy situation."

Shou'd the observations which I may have occasion to make implicate in the smallest degree any other person, I shall feel concern; but to so unmerited and unfounded a representation of the various circumstances which have fallen under my direction in this colony, I trust I shall be excus'd by your Grace in saying every other consideration must give way.

Unwilling to implicate others.

His observations relative to the quantity of ground which may serve to maintain one man, and the length of time and strength requisite to clear and bring it into cultivation, I do not conceive it necessary to pay attention to; it is foreign to my present purpose; shall therefore only observe that I have been long acquainted with what strength is necessary for that kind of labour, and also that I have had the opinion of very superior judges on that subject, and who speak from real experience. Every day's practise in this country serve to shew the absurdity of many of his arguments, and the impracticability of his theoretical schemes.

Productive powers of the land.

* See the case of Baughan, ante, pp. 15, 16, 17 et seq., 64, 65, 294.

1798
25 July.
Public farming.

He says he is no advocate for farming on the public account. In that particular I have long held the same opinion ; but my instructions having differed from such opinion, it has been my duty to attend as far as possible to them, and this adherence has been one source of discontent to many here.

Macarthur's experience and knowledge.

He informs your Grace that no officer has had more ample means of informing himself of the produce of the colony and the nature of its soils than he has. His knowledge in this respect, I must assert, can have extended no farther than the ground already in cultivation. I therefore conceive very limited, more confin'd than that of any other officer in the colony, for he has no taste for exploring the interior, consequently what knowledge he may affect to have beyond the land already under culture he must take from those who have had activity enough to travel thro' the country. I will farther venture to assert, my Lord, that the very limited knowledge this pretender to a thorough acquaintance with this country has can in no respect be compar'd to that which I do possess, and which I have labour'd to gain for the information of Government, that it might not be led into more expence than the nature of the country and prospect of success might warrant ; but when traders and speculators obtrude their opinions (which will ever be found govern'd by self-interest) upon his Majesty's minister, there can be no safety to the character of that commander-in-chief who shall be found to oppose their traffic.

Discredited by Hunter.

Macarthur as a farmer.

What his judgement as a farmer may be I cannot know, because I do not possess such knowledge myself ; but I am well assured that he assumes much more than he ever possessed, and that whatever share of that usefull information he may possess, it has been gain'd here in so very short a period as not to warrant the value he so ostentatiously sets upon it ; and I will maintain, my Lord, that there are officers here whose judgement is so far superior (but possessed with more modesty) that they will not admit a comparison. As a proof, either of the truth of this opinion or of his intention to deceive me, I beg leave to mention that, upon my arrival, having found this person in an office created by L'-Govr. Grose as an assistant to the Governor, I went with him over the public grounds clear'd by order of Governor Phillip. He inform'd me that there was scarcely an acre fit for cultivation—that it wou'd be a waste of labour and of seed to work it ; this was evidently design'd to mislead me, who did not pretend to agricultural judgement. I rested my opinions therefore upon his, and gave them to your Grace in my letter No. 9.* I have since prov'd that such opinion was erroneous, and given no doubt for the above purpose, by the quantity of wheat and maize I rais'd from a part of those grounds on the public account last year ; the crops were superior to most in the colony. I will also maintain, my Lord, that had I not placed so much confidence

Land cultivated by Government.

Misleading reports.

* Ante, p. 39.

in this very man's opinions some considerable expence might have been avoided ; he did all in his power, whilst he found himself in possession of that confidence, to give my opinion on such matters as I had not a thorough acquaintance with myself an improper turn. His restless, arrogant, and overbearing turn of disposition occasion'd me much vexation in complaints from others ; the power which I plac'd in his hands was exercised to the disturbance of peace and harmony.

1798

25 July.

The Chief Surgeon complained that his assistants were not permitted to manage the concerns of their own department in the public hospitals, thro' his improper interference. His arguments were that he wanted to correct abuses in the hospital. But it was known to be the effect of malicious prejudice. He had nothing to do but represent, and the Chief Surgeon, whose duty it was, would have been ordered to investigate such abuse.

The Chief Surgeon's complaint.

The Commissary complained that his interference with his duty was such as cou'd not be suffer'd unless it were found necessary to remove him from his office ; that he issued from the public store in the most lavish manner such articles of stores and cloathing, and to such persons as he pleased, and thereby embarrassed his accounts, as well as created much improper expence ; that he open'd the public store for the reception of grain from such persons as he was disposed to serve, and shut it against those who were not in his favour ; that the Commissary was not suffer'd to have a share in the duty for which he was responsible. A voucher for these truths your Grace shou'd have had if the Commissary had been in the colony. The servants of the Crown were given away or lent in considerable numbers to whom he thought proper, and he had in his own service whatever number he cou'd employ ; it was by these means that he gain'd his superiority over others on his farms.

The Commissary's complaint.

Alleged mal-practices.

I must insist, my Lord, most respectfully that it was the reduction of this unbounded power that determin'd him in this dark and unpardonable manner to study and connive in the most artfull and plausible way to lay to my account those errors which the whole colony know shou'd be charg'd to others—those errors, I mean, which relate to the expences of the colony, and which I have already said so much upon, and whenever call'd upon can shew from what sources they deriv'd their origin.

The expenses of the colony.

I trust your Grace will pardon my observing that highly as I feel myself honour'd by his Majesty's Commission as the Governor of this settlement, and anxious as I shall ever be to do my utmost for its advancement, or for any other part of his Majesty's service to which I may be call'd, had I known the plan which was laid for my embarrassment (for it had every appearance, and I shall ever consider it as a meditated uniform plan) I shou'd have doubted the safety of my character in undertaking it ; and excuse

A confederacy.

1798 me, my Lord, for saying that, altho' I possess not a shilling in the
25 July. world but my Commission in his Majesty's navy, the salary of
my present appointment wou'd have been to me no object, had it
been ten times as much as it is.

Macarthur's My forbidding those interferences with the dutys and depart-
resignation. ments of other officers occasion'd this man's resignation of that
duty* which I had not the smallest desire he shou'd continue
to do, for his great object was clearly to render the Governor's
authority subservient to his own views and intrests, to the grati-
fication of his caprice and malice, and to the benefit of a few
sycophants who were encourag'd and constantly employing them-
selves in bearing to him their remarks upon the private conduct
and concerns of others. My situation became truly irksome thro'
these means, and I was glad he offered to resign, because I was
fully of opinion I shou'd have found it necessary to have said I
wou'd dispense with his farther services.

An offer to feed 100 con- Mr. McArthur adverts to his having offered to maintain one
victs with bread. hundred men with bread free of expence to the Crown.† This
wonderful offer was made to me in a language or manner which
he expected wou'd captivate without any serious consideration
of its real value, and he says I declin'd to accept of it. That I
declin'd to accept it is a fact, and he knew for what reasons, but
he has carefully conceal'd them from your Grace.

Assignment The labouring servants of the Crown had been before my arrival
of convicts. in this colony given away, were scatter'd all over the country, and
were employ'd for the benefit of private individuals. I was not
in possession of the number he ask'd for, which I am convinc'd
was the reason he apply'd for them. Neither had this advocate
for propriety and for the public intrest candour enough to give
me the necessary information which might have enabled me to
recover them. How they were scatter'd, and under whose author-
ity they were suffer'd to be lost to the public, he well knows; and
I have already explain'd in my separate letter of the 12th of
Novr., 1796.‡ The offer he made upon this occasion I shou'd have
conceiv'd myself highly censurable had I paid the smallest atten-
tion to it, because in that case every work of a public nature
must have stood still. But I will submit to your Grace whether
the public or private individual wou'd have been the gainer by
this absurd offer. The daily wages of a labouring man (without
providing food) was at that time five shillings, or something more,
and the price of bread was about 2½d. per lb. Supposing a man
to receive 2 lb. per day, that would amount to fivepence; for this

The cost of
employing
convicts.

* The post of Inspector of Public Works at Parramatta.—See the correspondence between Hunter and Macarthur relative to the latter's resignation, ante, pp. 26-29.

† Macarthur's offer will be found in his letter to Hunter of 15th August, 1796, ante, p. 68. Hunter's reply, on the 18th idem, will be found on p. 70, ante.

‡ In Hunter's separate letter of 12th November, 1796, ante, p. 166.

mighty saving to Government of fivepence he would have gained more than five shillings in labour. It is evident, my Lord, that his offer upon this occasion could only have been intended to answer the end to which he has applied it. 1798
25 July.

The many errors which he says wants correction are those which were establish'd after the departure of Govr. Phillip and previous to my arrival, and to which I shall never cease to attribute all the expences complain'd of, and I am prepar'd to prove this to be the case whenever it may be necessary. I beg to say that I am not singular in this opinion. The errors were: The sudden change of a system of orderly Government, founded upon his Majesty's instructions to the Governor, and the laws establish'd for such Government. This plan existed when I left the colony in 1791—in the end of 1792, or beginning of '93, another of a very different nature took place, and soon after that licentious, abandon'd, and profligate conduct which Mr. McArthur mentions and affects to condemn began to shew itself. The officers charter'd the *Britannia*; a large quantity of spirits were imported, and a trade began with the settlers and lower orders of the people, the effects of which will be long felt, and was the ruin of many before industrious people, the distruction of all moral order. And this man so strenuous an advocate for such order and good management was one of the most extensive dealers in the colony. To this unfortunate system, founded upon the ruins of all decency and civil order, all our misfortunes and expences have been owing. Your Grace may probably think that what I now represent, after what I have formerly written, to be superfluous, but I am desirous of making it clear by respectable proofs that the letter of this meddling person to your Grace is an artfull attempt to conceal himself from that notice which his troublesome disposition in this settlement may have expos'd him to. A legacy from Hunter's predecessor.
Chartering the *Britannia*.
Introduction of trade by officers.

It is my intention to lay before your Grace the candid opinion of the two clergymen, as well in their clerical character as in that of the civil magistrate. I will also transmit a representation of an attack made upon a magistrate by this very man, for doing what he conceiv'd his duty, a disposition which has often been conspicuous in him ever since I felt it my duty to re-establish the authority of the civil power, a power which it is known has in this country been his abhorrence. Opinions of the two clergymen.

Your Grace will also receive observations made by a gentleman long resident upon the spot where this man's duty as an officer lay.

I shall likewise transmit replys made to his assertions* against Mr. Atkins, whom he wish'd to have prosecuted criminally for a letter which he had written to him, a copy of which letter it may also be proper to inclose, to shew the occasion he had for desiring to prosecute; but it may also be proper to observe that Mr. Atkins had previously applied to prosecute him for those assertions. Macarthur and Atkins.

* These charges will be found on pp. 123, 124, ante.

1796 which he had laid before your Grace as a proof that I had not
25 July. done him justice in his difference with this gentleman. It was not convenient to the public service that Mr. Atkins should at that time be gratified. He therefore attempted by writing the letter alluded to to make it a more private matter, for which he was severly censured by me.

Profligacy. He well knows that the profligacy he has mentioned I have from the beginning exerted every means in my power to get the better of, but in vain, whilst he and others supply the means of keeping it alive.

Prostitution. The convict prostitutes he mentions, I presume, are those living with some of his brother-officers and others, and are not, as he asserts, furnished with servants from amongst the convicts; but more probably such as their respective keepers may have an opportunity of supplying them with, either from the military or other quarters. If, therefore, the officers have soldiers for such purpose, if disapprov'd, must reflect upon those who permit it; he has artfully attempted to cast this censure where it cannot apply. If he means women servants, I am of opinion that it will not be considered by your Grace as a censurable indulgence to allow the officers such female servants as may be requisite for washing and cleaning their houses.

To repeat what I have already so fully written I am very unwilling, and will endeavour to avoid.

Stock-breeding. His plausible plan* for the propagation of swine is one of his new theoris, and he is not, or ought not to be, a stranger to the impracticability of such plan, in the present state of the colony. Had it taken place in the beginning, when there were but few settlers, it might for a time have answer'd; but after the introduction of such numbers of the very worst description of convicts it will require time to discover who are the fittest characters to intrust with the care of the public stock. When I arriv'd in the colony he took much pains to convince me how very expensive it would prove to Government to attempt the rearing any number of such animals. I did conceive it to be as he said, and I shar'd that which Government had amongst such persons as he recommended for their care. I am yet convinc'd of its truth, altho' he may, probably, have chang'd his opinion to answer some highly improper purpose.

Hunter's policy. It will be found that I have never fail'd upon every proper occasion to hold out every possible encouragement for the rearing this kind of stock, as well as of every other; but I cannot submit, my Lord, to have my conduct judg'd of and represented in this treacherous manner by every impertinent trader in this country, of whom it is highly necessary it should be purg'd.

* See Macarthur's observations on stock-breeding, enclosed in his letter to the Duke of Portland of 15th September, 1796, ante, p. 135.

The settlers said to be fix'd upon land without ascertaining the nature of the soil was an act of his own commanding officer, and not of mine, and the manner in which they were settled I have already explain'd in my separate letter before mentioned, to which upon this occasion I beg to refer your Grace.* The whole of that part of Mr. McArthur's letter which relates to the settlers is a striking reflection upon both those officers who commanded in the interval between Govr. Phillip's departure and my arrival, and cannot in the smallest degree effect any of my arrangements. Your Grace is already in possession of my observations upon that subject.

1798

25 July.

Settlers in
Grose's time.

The quantity of maize which he says was purchas'd by my order, when there was a considerable stock in store, was a measure which took place a few days after my arrival, and may be seen in the Public Orders of the 29th Septr. and 2nd October, 1795,† a copy of which your Grace is in possession. This purchase was most particularly recommended by this very man, and reasons were given for it in my letter No. 9.‡ He first pointed out to me the possibility of accident to the wheat harvest, which occasion'd the first Order of the 29th Septr. I had no sooner given out that than he inform'd me that he fear'd the settlers would not pay attention to it unless I wou'd promise to take the crop off their hands, and that in case of a failure in our wheat the settlement wou'd be without food, for at that time we had no salt meat in the colony. At this time I had the most perfect confidence in the opinions he gave, being then a stranger, without the necessary information or any knowledge of the man I confided in. The whole of this conduct was a scene of imposition and duplicity. There was not a spark of candour to be found. All were absorb'd in their own interests and views, and none more so than this man, who possess'd my perfect confidence untill I discover'd what were his objects. This maize was, however, not attended with any loss, but such as all grain is liable to in granary, and it has prevented my purchasing any since untill the present season. It also enabled me to lend to those whose crops fail'd the following season, and whose live stock must in consequence have perish'd.

Purchase of
maize.Hunter
acting on
Macarthur's
advice.

The receiving of grain at the different stores, he says, is intrusted to the superintendants who assist the Commissary, and he asserts it is done without the smallest attempt to guard against imposition. I am at a loss to know how he shou'd understand what steps are taken to guard against imposition; the Commissary certainly does neither consult him how his duty is to be done, nor informs him of what orders he may receive from time to time relative to that duty. It was but very lately that a discovery was made which created some suspicion; directions were immediately given that the proper steps be pursued for ascertaining whether there were just grounds for such suspicion;

The receipt
of grain.

* Ante, p. 167.

† Vol. II, p. 322.

‡ Ante, p. 89.

1798
25 July.
—
A store-
keeper dis-
missed.

it prov'd that the storekeeper acquitted himself, but as there had been some impropriety in his general conduct I dismiss'd him from his office.* This was the man whom he says is authoris'd to give receipts to any amount without the possibility of detection. Such declaration to persons unacquainted with the manner of such receipts and issues might carry some probability with it; but I will maintain that his assertion on this subject is wholly unfounded, and that it is not possible a fraud of this nature can pass without detection, unless the Commissary shall prove unworthy his office.

Storing
supplies of
grain.

The quantity of grain taken into the store is calculated to serve a certain number of people for a certain space of time. If it is found to have lasted that time, and fed that number of persons at a stated ration, there cannot have been any fraud committed; if it shou'd not, and there has appear'd a greater deficiency than what is common to grain kept in granary in a warm climate, the loss will be to the Commissary, in whose charge the stores in general are. I will beg leave for one moment to observe, my Lord, that supposing the whole of the officers in the service of Government, acting under the direction of the Governor in this colony, or in any other, shou'd prove unworthy their office, how, I might venture to ask, are they to be detected if those who pretend to know they are fraudulent do not step forward and bring them to justice? This I conceive to be the duty of every officer, whatever his station or profession. If, therefore, he suspected anything of this nature it was his duty to have given information, and not to have insinuated such misconduct without more certain grounds against the officer whose duty he attacks.

Detection of
fraud.

A counter-
charge.

But the manner in which the public stores were manag'd by this man when he had the command at Parramatta, and wou'd not suffer the Commissary to do the duty he was responsible for, did certainly expose the public to enumerable impositions. A person of respectability, now here, assur'd me that he had offered a quantity of grain to the public store during that arbitrary authority over the Commissary Department, and after long solicitation for its being receiv'd he was inform'd that he shou'd have his bill; but the grain cou'd not be receiv'd—it might continue where it was untill wanted. He receiv'd his bill, and the grain continued expos'd to the weather untill it was destroy'd, and that this was the case with some others. These, your Grace will allow, were impositions upon the public purse of a most serious nature, and are not mere assertions, but, were it necessary, wou'd be deposed to. My endeavours to put a stop to such shamefull practices, which were probably convenient to many, are the chief cause of those false and ill-founded representations of circumstances which were only known to exist to the public disadvantage during the time in which the original regulations and

The alleged
cause of
disputes.

civil government of the settlement were suspended, and which have oblig'd me, contrary to my natural disposition, to mention much which I shou'd not otherwise have troubled your Grace upon. 1793
25 July.

The vessels he mentions from India upon voyages of speculation he has good cause to understand what their cargoes consisted of, because it is known here that part of those cargoes were consign'd to him, and his whole time, having no professional duty to occupy it, was engag'd in traffic. The circumstance he mentions respecting the purchase of sugar is, in itself, so infamous, so mean an attempt, that I wou'd not condescend to take notice of it were it not to satisfy your Grace that I have not the most distant recollection of it, the Commissary not being on the spot; but it must appear that were the fact as stated by him it must have proceeded from some neglect of duty in the proper officer, and not a matter known to or countenanc'd by me—in short, my Lord, this man is so engaged in a low mean manner of carrying on a disgracefull trade in this colony that he is desirous of implicating every character in the settlem't, however respectable and beyond his reach, in the same disgrace. Indian cargoes.
A wholesale charge.

The papers which I inclose will, I trust, shew how far vice and immorality have, or have not, been countenanc'd or encourag'd since my arrival; they will also serve to place in a conspicuous point of view the horrid depravity and wickedness of this man's heart. His observation relative to the vice and profligacy of the lower orders of the people I will agree in the truth of, and your Grace will recollect how much I have said upon it in my public correspondence. But let me ask him, under whose authority were the people suffer'd to indulge in licentiousness, drunkenness, and every abominable act of dissipation? When the clergy were allow'd to be insulted in the streets without receiving any kind of redress, and rendered incapable of performing the duties of their sacred office on the Sabbath Day, from the numbers of drunken soldiers and convicts surrounding the outside of the place of public worship, and often engag'd in card-playing and riot; let me ask this pretended advocate for the moral conduct of the people, what were his answers to the clergyman when he complained to him of such shamefull and unpardonable excesses, and on the spot, too, where his duty lay, and where he commanded? Will he venture to say that such shamefull conduct have been permitted in my time? No, my Lord, he cannot; he well knows the steps which have been unremittingly pursu'd by me for suppressing it, and the dangerous trade which occasion'd it, and in which he had no very inconsiderable share. He also knows the good effects of my endeavours to that end; he is cautious to avoid mentioning any act of mine which had for its object the public advantage of the colony; he is carefully silent upon the The enclosures.
Licentiousness under the military régime.
Hunter claims to have effected a reform.

1798
25 July.
Absence of
public
buildings.

effects of the civil police establish'd by me, and through which every inhabitant can now sleep in security.

Public
barns.

His observations respecting the want of barns, granarys, and other public buildings is a circumstance which I cou'd not have believ'd any man in this colony cou'd have had the effrontery to charge me with. This attempt is of itself sufficient to stamp all his assertions with falsehood and malice. Your Grace has my very early complaints upon that unfortunate want in letters Nos. 6 and 8.* I saw it soon after my arrival, and altho' I was not then so fully acquainted with the danger of this deficiency as I now am, yet I consider'd it at that time a very great misfortune. The only barn ever built on the public account before my arrival was by Govr. Phillip at Toongabbe; it was blown down some time before I reach'd the colony, and I found its ruins only, as well as that of the whole little town of Parramatta and Toongabbe, where I cou'd scarcely find a hutt to shelter the convicts. Why this barn was not rebuilt and those hutts kept in repair this man who had been allow'd the whole management of the public works in that district can best tell, and I am convinced were he to declare the fact he cou'd only reply that it was designed as one of those embarrassments with which the new *naval Governor*† was to contend.

Destruction
of wheat
explained.

The wheat which he says stood in stack untill it was destroy'd by vermin is not a fact, but was what this man assur'd me ~~was~~ not worth thrashing, and the superintendant who reap'd it ~~did~~ corroborate this opinion, and said farther that he endeavour'd to prevail on the then commanding officer to have it burned up ~~on~~ the field rather than to reap what was not worth cutting. ~~Yet~~ this very crop was cutt, and the secretary assur'd me it was returned to Government at the rate of sixteen bushels an acre, and left ~~to~~ me at that, altho' we receiv'd only about one hundred bushels from the whole crop, which, for want of the above barn, was thrash'd upon a cloth in the field. I had after those reports ordered the stacks to be pull'd down in my presence to ascertain the truth, and found little but straw. But it was then the custom not to receive the grain of Government into store whilst officers had any to supply untill I chose to alter this mode.

Hunter not
a farmer.

My judgement in the art of farming or the management of land may well be disputed, because I have been bred to a different profession. But my integrity and zeal in the public service I trust most confidently will not yield to that of any officer bearing his Majesty's Commission, however high their rank. If those qualities of which I boast the possession shou'd require the stamp of other authoritys to convince your Grace as to their truth, to whom I can only be known from my present situation, I might refer to two-thirds of the flag officers and captains on the naval list, at the head of which stands a noble man (Earl Howe), by

His
reputation
in the Navy.

* Vol. II, p. 345; ante, p. 30.

† The italics are Governor Hunter's.

whom, it is my pride to say, I have been patronis'd for many years, and wholly thro' the knowledge his Lordship had of that integrity and that zeal as well as general conduct as an officer under his immediate command. 1798
25 July.

The several papers I inclose for your Grace's information I most particularly request may be read in your immediate presence; by them I trust, my Lord, you will be enabled to form some judgement of this artfull, med'ling, and troublesome person, who has taken so unwarrantable a liberty with the duties of the Governor, who, permit me to assure your Grace, desires no other support in his public character than his conduct and situation intitle him to; in his private can support himself. The enclosures.

I shall only add, farther, my Lord, in this place that the sacred character of our Saviour, were he to appear in this colony in its present state, wou'd not be secure from the dark attack of those whose private views he might oppose in favour of the public interest. There are people here who wou'd most readily prepair for His sacred head another crown of thorns, and erect another cross for His second crucifixion; and none I am persuaded more so than the person of whom I have complained. I have, &c., A second Crucifixion.

JNO. HUNTER.

P.S.—Two letters amongst Capt. McArthur's inclosures having escap'd my notice, I am obliged to trespass a few moments longer upon your Grace's time, in order to expose the shamefull design of those letters. The one is address'd to Capt. Paterson, who had the care of his letter to your Grace, the other to Col. Grose in London;* in both those letters he indeavours to interest those officers in the extraordinary conduct he has pursu'd, and to impress upon their minds that he had receiv'd information that it was my intention to make some representation to your Grace to his disadvantage. I know it to be impossible, my Lord, that he cou'd ever have receiv'd such information, because I was wholly unacquainted myself with any such design; consequently no person whatever cou'd have had it from me. I never had the most distant idea of troubling your Grace with his name until he anounc'd by a letter to me an intention of writing your Grace upon the concerns of the Governor's duty. I had not untill then bestow'd a single thought about him of sufficient importance to trouble your Grace with, although I have long been of opinion that his troublesome turn of mind shou'd have been made known much sooner than it has been; but whilst it cou'd be avoided it has been my disposition to take no notice of it untill his conduct and interference with my duty render'd it no longer possible or proper to be silent. MacArthur's letters to Paterson and Grose.

This pretended information respecting my design is of too flimsy a texture not to be seen to have been intended to cover that part of his conduct which is not defensible in any other way, Hunter's line of action.

* These letters will be found on p. 119, ante.

1798
25 July.
—
Captain
Paterson.

Robbing the
Government
garden.

and to conceal a degree of malevolence which he has no other way to palliate. Capt. Paterson declar'd to me in Government House before his departure that he endeavour'd to persuade him that he was wrong in writing such a letter as your Grace receiv'd from him. And I am convinc'd that he did so from a conviction that his representations cou'd not in any way apply to me. The copy of this sentence of a Regimental Court-martial,* by which two soldiers had been tried upon a complaint of having been detected in robbing the Government garden, which he chooses to call the Governor's garden, is clearly an artfull attempt to influence the opinion of the Lieut.-Colonel, because all who were on the spot know how common robberys of that nature were at that time, and upon that place, although under the care of the military, who had a guard-house at the gate of it, and to whose use great part of its produce was applied by my particular orders. They had not industry enough to cultivate for themselves or to employ their leisure hours to so good a purpose. J.H.

[Enclosure No. 1.]

CHIEF SURGEON BALMAIN TO GOVERNOR HUNTER.

Sir,

Sydney, 18th June, 1798.

The case of
John
Baughan.

I have been honor'd with your letter of the 24th ult., requiring me to assist your recollection touching improper interferences in the immediate line of my duty as the chief surgeon, and also desiring me to furnish you with the particulars of the opposition and personal ill-treatment I met with in attempting as a civil magistrate to put the law in force against the soldiers of the New South Wales Corps, who had, in defiance of all subordination, assaulted the person and house of John Baughan.

A deserving
convict.

In obedience to your commands, I have to state to your Excellency that soon after your arrival in this country application was made to me by Mr. Thomson, the assistant surgeon at Parramatta, to request some indulgences for Daniel Kelly, who attended the sick at Toongabbee and the farms adjacent to it. This man, formerly a servant of his Majesty's in the medical line, had unfortunately trespassed against the laws of his country, and was transported for seven years to this settlement; on his arrival he was recommended by the surgeon of the transport in which he came, and at his request was taken to assist at the hospital, where his assiduity and attention soon made him noticed, and gained him the favor of Governor Phillip, who first ordered him to the post which he now occupies, and, as an encouragement, granted him a portion of land and the labor of three men, promising him further rewards in proportion to his services and merit.

Those favors he continued to enjoy for some time after Governor Phillip left the colony, and discharg'd his duty with faithfulness

* See the correspondence on this case.—*Ante*, p. 120 *et seq.*

and attention. Unfortunately for him, however, Mr. McArthur, the Inspector of Works at Parramatta, took exception to this man, and by his particular displeasure rendered him in many shapes uncomfortable. 1798
25 July.

These circumstances was the cause of my seconding Mr. Thomson's application in his favor, but in which your Excellency will recollect I was most violently opposed by Mr. McArthur, who declar'd he wou'd instantly quit his situation if any of the points which I urged in favor of this man were establish'd by you. To this mortifying and improper interference of Mr. McArthur's I was obliged to submit until your Excellency, on a second request from me, saw the expediency of restoring Kelly to his comforts.

The conduct of Mr. McArthur in particular, and that of the other officers of the New South Wales Corps, to me on account of the advice I gave to John Baughan remains only to be stated, in the doing of which I have great difficulty, because I feel my honour as a gentleman pledged to forget that transaction. The case of
John
Baughan.

Your Excellency will remember that some time after I had addressed you on service, and enclosed copies of the correspondence between Mr. McArthur, the officers, and myself, proposals were made by my opponents for accommodation, on conditions of mutual forgiveness and the destruction of the several papers that passed on that occasion, to which I acceded, purely from a regard to peace and quietness, and requested that your Excellency might suffer me to make this sacrifice, both of the public service and my own feelings, in the hope of its eventual operation for the general good, which request you was pleased to comply with, and returned my letter with its enclosures. A point of
honour.

I have only to add that if you still are of opinion that the service requires I should charge my memory with those circumstances, I will bow with submission to your commands, but hope that the breach of faith with which I shall be chargeable may be imputed to the force of your Excellency's orders.

I have, &c.,

WM. BALMAIN.

[Enclosure No. 2.]

GOVERNOR HUNTER TO SURGEON BALMAIN.

Sir,

19th June, 1798.

I have received your letter of yesterday, in answer to mine of the 24th ult., in which I had desired you wou'd state to me the particulars of a complaint which you found occasion, soon after my arrival in this country, to make to me on the subject of some troublesome and improper interferences in the department immediately under your direction, and which had been represented to you by Mr. Thomson, one of your assistants. I also found occasion Hunter's
reply.

1798

25 July.

The facts in
the case of
John
Baughan.

in that letter to desire you wou'd relate the particular circumstances attending the very unwarrantable attack which was made upon you in your character as a civil magistrate, at the time that John Baughan's house was destroyed by the military.

Altho' I conceive the above circumstances on the occasion which induces me at present to desire them from you might be applied for officially, yet I will not press anything upon you which you do not (after the manner in which the dispute terminated) feel perfectly consistent on your part as a gentleman, but shall content myself with only desiring that you may peruse the account which my memory serves me to give of that affair; and if you find it a correct statement you will attest that you find it so.*

Your correspondence with the parties concerned having lain for some time in my hands as a public document to be transmitted to the Secretary of State, and the interest and concern which, as the chief magistrate, I felt it my duty upon that occasion to take in it, made so strong an impression on my mind that I feel no difficulty in recollecting the principal subject of that correspondence.

I am, &c.,

JNO. HUNTER.

[Enclosure No. 3.]

REV. R. JOHNSON TO GOVERNOR HUNTER.

The
Chaplain's
evidence.

Hon'd and Dear Sir,

Sydney, 5th July, 1798.

I have received your Excellency's letter of yesterday's date, and in compliance with your request I have set down to give you an answer as early as possible.

Your Excellency, well knowing, however, the weak state I am in, and the afflictions I have been labouring under for some time, will, I trust, have the goodness to excuse me entering into that length in stating particulars w'h otherwise I might do.

Governor
Phillip's
plans.

Yourselves, sir, being a kind of resident amongst us at the first formation of the colony, and for some time afterwards, I need not state to you the plans adopted and the measures pursued by Govr. Phillip for the proper regulation and good order of the colony, as well in a moral as civil point of view.

Little or no alterations were made from those plans or measures, from the time you then left us to that when Govr. Phillip himself returned to England, in December, '92.

State of the
colony at
Phillip's
departure.

Some time previous to his going I was at his request sworn in to act as a civil magistrate in your place, w'ch duty I continued to perform untill the time he left us, at w'ch time ye colony was as peaceable, orderly, and moral as c'd be expected, from such a description of people as the colony was formed of.

An entire
change after
his
departure.

But no sooner had Govr. Phillip left ye colony than I was convinced that the plan or measures of Government were about to undergo an intire change. The civil magistrates, within two

* See Hunter's account, attested by Balmain, ante, pp. 19-22.

days, received an order that their duty w'd in future be dispensed with, and from that time untill your Excellency's arrival again in the colony everything was conducted in a kind of military manner. 1798
23 July.

This, I believe, was the first step towards overturning all those attempts and endeavours that had hitherto been planned and pursued for ye establishment of good order to be kept up amongst the different ranks and orders of the inhabitants of ye colony.

Every Order that had been given tending to promote morality and religion seemed now to be laid aside, and fresh orders issued tending to banish whatever (in the opinion of a good and virtuous mind) is or ought to be first considered and promoted (and particularly in a colony like this, where by far the major part of the inhabitants are lost to all sense of virtue, and abandoned to every species of wickedness), vizt., a reverence for the Supreme Being, and a strict observance of all His just and righteous precepts. But the case was much otherwise; for within a month after Governor Phillip was gone I received an Order to perform divine service at six o'clock in the morning. A quarter before seven, theattoo (as it called) beat off for relieving the guard; so that I had barely three-quarters of an hour allowed me to go through the church service, and this was all that was required for ye day. Morality and religion discountenanced.
Church-hours, 6 a.m. to 6:45 a.m.

I beg leave here to give your Excellency an anecdote that happened one Sunday morning at that time. I had got up at daybreak, as usual, to be ready in time to perform public service. At six o'clock the drum beat for church. I met the soldiers at the place appointed, in the open air. Before I began I heard the drum-major give directions to two drummers to beat off at ten minutes or a quarter before seven, as usual. Suspecting what was going on, I looked at my watch, read part of the morning service, then (without any singing) gave out my text, and had gone through about half of my discourse when the drum beat, and the soldiers instantly got up, took their arms, fell into their ranks, and marched away. Judge you, sir, what must have been my astonishment and concern. I looked round and saw about half a dozen convicts standing behind me, but (such were my feelings upon this occasion) I c'd not go on with my discourse, and therefore returned home, greatly distressed in my mind at such barefaced profanation and infidelity.* Divine service interrupted.

What I have above stated, your Excellency may conceive, was a most effectual step to throw aside all regard or reverence for the Sabbath Day, and to render all public solemn worship utterly contemptible. And such were the bad effects w'ch this strange kind of an Order, and not less strange and unaccountable kind of conduct, produced, seldom more than ten or twenty convicts (and sometimes scarcely any except my own servants) ever attended Neglect of public worship.

* Johnson reported this circumstance to Dundas in April, 1794.—Vol. II, p. 201.

- 1793
25 July.
A scene of intoxication.
- public service. The generality of them at the time were either asleep in their hammocks or setting in their huts, or otherwise gone out to work for officers or other individuals. Spirituous liquors was the most general article and mode of payment for such extra labour, and hence in the evening the whole camp has been nothing else, often, but a scene of intoxication, riots, disturbances, &c.
- The prevalence of gambling.
- Gaming was no less prevalent at the same time. Many of them I have myself detected at this work, both as I have gone to and returned from church. Sixteen were at one time detected by one of the constables within a hundred yards of the church, and at the time I was preaching. Numbers of them have gamed away the clothes off their backs, and the very provisions served them from the public stores, for weeks or months before these became due.
- The cause of robberies.
- Hence so many flagrant and daring robberies that were committed at that time. Seldom a night passed but in the morning some fresh depredations were heard of, either in one part of the camp and colony or another. Neither have I escaped those nightly visitors. Twice has my house been broke open—once through the wall, brick and half thick, and once through the tyling—and both times I was robbed of property to a considerable amount, which I had purchased for the use and comfort of my family.
- In this way things went on from bad to worse, and from worse to worse still untill (I will not say all vital religion and godliness, but) even almost all common morality and even decency was banished from the colony.
- Johnson's remonstrances.
- Seeing, my dear sir, such gross immoralities, depredations, drunkenness, riots, and even murders, daily committed, seeing them still becoming more open and flagrant, and seeing no steps taken to put a check or stop to such shameful and horrid proceedings, I c'd not forbear complaining and remonstrating against them. But all such complaints and remonstrances answered no other end than to add to the insults and pointed opposition I had already experienced in the performance of my public duty, and to oppress me the more in my domestic concerns.
- The chaplain's visits to condemned convicts.
- I cannot forbear giving your Excellency another instance of the most gross opposition I met with at that time. At one time when a Criminal Court was held there were two men sentenced to suffer death. The same afternoon I visited them in their lonely cells, and intended to visit them again in the evening. The sergeant of the guard called at my house the same evening with a request from the prisoners that I w'd spare them a candle. I sent one by my servant, and desired him to inform the sergt. that I w'd come to the prisoners in a few minutes. In less than half an hour the sergt. came to my house a second time, brought back part of the candle, and informed me that he had received

orders not to admit any person to see or speak to the prisoners except Mr. Bain, chaplain to the corps. This message surprized me not a little. 1798
25 July.

The Rev. Mr. Marsden was then arrived at ye colony, and was with me in the room at the time, and was under no less surprize than myself. We then agreed to go to the guard-house together. We called for the sergt. ; begged he would repeat the message w'ch he had just before delivered at my house, w'ch he did, nearly in the same words. I replied, "I suppose, sergt., you know who we are?" and asked if we c'd not be permitted to see and speak to the two men that were to suffer. He ans'd again that he knew us very well, but that such were his instructions that he c'd not admit us. We then returned home, when I immediately wrote a letter to the Lieut.-Govr., but rec'd no ans'w'r. forbidden.

The next morning the order for their execution was brought to me—that at such a time the two prisoners were to suffer, and that at their request he had ordered Mr. Bain to attend them. All this was a fabricated falsehood, as I will prove by incontestible evidence, by a person who was permitted to visit them, and who asked them several times whether they ever had made such a request, when both of them positively and frequently declared they never had—that they were surprized I had never been with them, and expressed (particularly the morning on which they suffered) an anxious wish to see me. An alleged falsehood.

I will give your Excellency another instance : A convict and his wife came one morning to my church, and on their return home they were met by one of ye constables, who asked them why they had not been to church. They said they had been there. "Where?" "To hear Mr. Johnson." The constable replied, "Don't you know you are forbid to go there?" and then threatened to have them punished if they did the like again. The constables and the convicts.

Had I time, my dear sir, w'd my health permit, and w'd it not be carrying my ans'w'r to your letter to a greater length than may be convenient or intended for your purpose, I w'd readily give your Excellency a more full and particular account of the various difficulties, insults, oppositions, oppressions, w'ch I at the time above alluded to have experienced. But I forbear, this being not altogether answerable to the purport of your letter, w'ch is not to give you a detail of my peculiar situation or trials, but a general statement of the colony, both before and since your arrival in it, in that high and important office you now sustain. Neither would I, believe me, sir, have said so much respecting myself, but as I have been compelled to do so, this being so closely (I may say) inseparably connected with the general tenor or purport of your letter. "Insults, opposition, and oppression."

I therefore only beg leave to inform your Excellency that I have at different times given my f'ds in England full and ample infor- Johnson's letters to his friends.

1798
25 July.

mation upon this general and, to me, painful subject. Either his Lordship the Bishop of London or Mr. Wilberforce,* I believe, is at this time in the possession of those papers, and if your Excellency has any wish that those papers may be produced as likely to answer any end or purpose you intend, I will readily write both to his Lordship and my friend upon the subject.

Appeal to
Marsden,

and to
Hunters
own know-
ledge.

If, sir, more evidence is necessary to prove the authenticity of what I have stated, either in ye papers I have just mentioned, or in the lines I am now writing to you, I can likewise appeal to ye Revd. Mr. Marsden, my assistant, who arrived in ye colony at the time public matters were thus conducted and those immoralities were committed, and who, as well as myself, has often been shocked to see the colony in such a state of disorder and confusion. But your Excellency need only recollect and seriously reflect upon the general state of the colony upon your arrival, and I am persuaded that all papers or appeals I could produce would be rendered unnecessary. The same immoral and licentious practices were then committed, and were not got the better of, but by much patience, great exertions, and unwearied perseverance, and yet after all that has been done I believe your Excellency is aware that much yet remains to be done before the colony be restored to that order and subordination which is so highly requisite to good government—that is, for the prosperity of the colony in general, and the happiness of individuals in particular.

Hunter's
reformatory
measures

I hope, however, that the steps your Excellency has already taken, and are daily taking, will be attended with the much to be desired consequences of producing some order out of so much confusion; some reformation and morality out of so much abounding licentiousness and irreligion th't has so long prevailed in and almost overspread the colony. Your having, sir, re-established the civil magistrates to the execution of that duty; your causing proper and substantial buildings to be erected as places of confinement and punishment of those vagrants as seek to disturb the public peace; your appointing a night-watch, both in the camp and in the different districts throughout the colony; the lenity you have shewn to some, and the severity you have seen necessary to exercise towards others; in short, the various Orders you have issued, and the different regulations which you have made, have, I hope, in some degree, already checked the abounding iniquity that once prevailed; and I w'd further hope (arduous and painful as your present situation may appear to be, and really is) ere you quit the colony, by your continued resolute exertions in pursuing those measures w'ch you have adopted, you will have the happiness to see your exertions have not been rendered fruitless.

enumerated
by Johnson.

Bear with me, my dear sir, whilst I add that ever since our first arrival at and first formation of the colony, vizt., for now

* William Wilberforce, the philanthropist.—History of New South Wales, vol. II, p. 284.

near eleven years, it has been uniformly my very sincere wish and endeavour, as well by precept as example, to promote the general peace and happiness of the colony, and to the best of my knowledge I never deviated from or disobeyed any order given me, however contrary it might be to my own private sentiments or painful to my feelings. I have equally endeavoured to inculcate the same kind of moral sentiments, and to inforce the same kind of moral conduct, upon the minds and consciences of others. An inward consciousness of thus having endeavoured to discharge my duty has ever afforded me matter of consolation in the midst of all the insults, oppression, &c., I have met with, as well as under those bodily afflictions and infirmities I now feel, w^{ch} I ever did and shall attribute to that illiberal and severe treatment I some time passed experienced.

1798

25 July.

Johnson's
uniform
policyand his
labours.

I s^d be happy, sir (s^d it please God to restore me to enjoy better health) to remain some time longer in the colony, and to unite according to my abilities, and agreeable to my office and station, whether as a minister or a civil magistrate, in my endeavours for the public weal. At present, however, I have but little such hopes or expectations. The attacks of my complaint are both frequent and severe, and every relapse leaves me still weaker and weaker. All I can do at present is to pray for you that the Supreme Being may give you that wisdom, patience, courage, and other virtues so necessary to govern in a situation like yours; and that the Almighty may bless and succeed your wishes and endeavours to the prosperity and happiness of the place and persons over which you are appointed to govern. With such sincere wishes and fervent prayers for you, believe me to be, &c.,

His
declining
health.

RICHARD JOHNSON.

[Enclosure No. 4.]

SURGEON ARNDELL TO GOVERNOR HUNTER.

Sir,

Arthur's Hill, 25th July, 1798.

Agreeable to your Excellency's wishes, I take leave to submit my sentiments regarding the present state of moral and orderly conduct in the colony, in its gradations to improvement for the last three years, and what it was during at least three years preceding that of 1795.

Surgeon
Arndell's
evidence.

Nothing more painfull or distressing can be imagined than our situation during the last-mentioned period. The departure of Govr. Philip from the colony was soon followed by a surprising change in the management of civil affairs; the wise and useful regulations he had so successfully adopted for the security and conservation of good order and public peace were in a moment almost annihilated, and a torrent of licentiousness bore down everything sacred and civil before it. Whatever was injurious or disgracefull to human nature might have been reasonably expected

Phillip's
regulations.

- 1798** from general drunkenness ; yet general and habitual drunkenness absolutely became the unfortunate fashion of the times ; the consequence was that crimes of every sort increased to an alarming degree ; thefts and robberies became so numerous that they were spoken of as mere matters of course, and even rapes and murders were not infrequent. The respect due to superiors, and the subordination so essential to the welfare of civil society, seemed banish'd from the minds of the unthinking multitude, and that to such a degree that no one could think himself safe in passing from one part of the town to the other. Among several
- 25 July.** insults I have myself met with, a soldier accosted me one evening in the road at Parramatta and insisted on my spending a bottle with him. Upon saying that I would see him home to his barracks he told me he would spare me that trouble by knocking me down, which he would certainly have done at the moment if he had not been prevented by a person who joined us at the time.
- Drunkenness and crime.**
- An illustration.** Assaults the most outrageous were frequently committed, and the constables in particular had often just reason to complain of the insult, obstructions, and ill-treatment they met in the discharge of their duty. A remarkable instance of this sort occur'd some years ago in the case of the present chief constable at Parramatta, who was knocked down in the public road in the most sudden and unprovoked manner by a ruffian merely because he held that office and had acquired the character of being active and impartial.
- Constables ill-treated.**
- Neglect of religion.** As no pains were taken to inspire a reverence for religion, the Sabbath, instead of being passed by the people in attendance at divine service, was profaned as a day particularly appropriated to gaming, intoxication, and the uncontrolled indulgence of every vicious excess.
- Such, sir, was truly the lamentable state of the colony as to its morals and orderly conduct at the auspicious moment of your Excellency's arrival in 1795—an arrival which gave the most sincere pleasure and the most agreeable prospect to every rational and well-disposed member of the community. Since that time your Excellency's indefatigable attention to the interest and prosperity of the settlement has produced the most salutary and happy alterations ; the establishment of a civil police extending through the several districts of the colony has powerfully operated to secure the peace and prosperity of the settlers and inhabitants, and leave offenders scarcely a hope of eluding justice. Crimes, of course, decrease, and are comparatively rare. Industry thrives and is encouraged, and decent submission to the laws and respect to magistrates are now much more apparent than at any former period. The obvious utility and propriety of the various orders and regulations framed by your Excellency for the benefit of the colony are also very generally felt and acknowledged.
- A salutary change.**
- Hunter eulogized.**

Upon the whole, sir, and upon the best recollection of the several changes and variations which have taken place in the colony during my residence in it, I cannot hesitate a moment to submit as my opinion, and give it with the greatest satisfaction, that in point of moral and civil order, it is now, and has been for the last three years, infinitely superior to the years preceding, and that it has certainly attained to as great a degree of improvement in these respects as the almost insurmountable difficulties would allow which must have presented themselves to your Excellency's observation.

I am, &c.,

THOS. ARNDELL.*

[Enclosure No. 5.]

REV. S. MARSDEN TO GOVERNOR HUNTER.

Honoured Sir, Parramatta, 11th August, 1798.

Having been directed by your Excellency to lay before you a statement of the immorality of this colony prior to your arrival, I shall briefly submit a few particular facts, upon which a general opinion may be founded. I am conscious no individual can truly represent the riot and dissipation, and licentiousness and immorality, which pervaded every part of this settlement, amongst the lower ranks of its inhabitants, at the period in question.

Gaming and drunkenness, and robberies and murders, were common crimes. With due submission I would appeal to your Excellency as an eye-witness, and as a principal magistrate, how the colony was deluged with every species of sin and iniquity for several months after you landed at Port Jackson. These enormities shall partly be accounted for in what I now proceed to state. On my arrival in Sydney, in March, 1794, I found my colleague, the Rev. Richard Johnson, involved in a serious quarrel with the commander-in-chief.† My colleague represented also the licentious state of the colony, and the small hopes he entertained of any success in the reformation of the unfortunate prisoners, in consequence of the total neglect of all religion, and the great contempt cast upon his sacred office. I had not been long in the settlement before I was convinced of the immoral state of its inhabitants, and that my colleague's representation was but too well-founded. As a clergyman, I could not but feel for the people committed to our charge, being persuaded that all attempts to instruct them in the duties of religion would be ineffectual, unless the police of the colony was totally changed.

The following facts, I presume, will be a sufficient foundation for the above persuasion. In consequence of the opposition and treatment my colleague received, his health was much impaired. On this account I was occasionally called from Parramatta to do duty at Sydney. One Sabbath, during time of divine service in

* Mr. Arndell arrived in the First Fleet as second assistant surgeon. He was allowed to retire, and settled on the Hawkesbury, where some of his descendants still live.

† Lieutenant-Governor Grose. See the correspondence in Vol. II.

1798

25 July.

Great improvement.

Rev. Samuel Marsden's evidence.

Gaming, drunkenness, and crime.

The clergyman and the commander-in-chief.

Johnson's health.

1798 the morning, I was much interrupted by some of the prisoners
 25 July. breaking up ground near the church. Service being ended, I
 Interrupting remonstrated with the prisoners, pointed out to them the impropriety of their conduct in spending the time of divine service in
 divine manual labour, especially so near the church. They seemed to
 service. treat my remonstrance with contempt. I therefore threatened to have them confined if they persisted to work in the evening. To my great mortification these convicts had the audacity to persevere in their improper conduct till the evening. Divine service being over, I applied to my colleague, he being a civil magistrate, to have them taken into custody for their open violation of the Sabbath and contempt of me as a clergyman and one of his Majesty's officers. By his order they were immediately committed to prison. Their commitment was no sooner reported to the commander-in-chief than he sent the captain of the guard to know the cause. I stated to him their whole conduct, and fearing lest any misunderstanding should take place, I immediately waited upon the commander-in-chief and represented the prisoners' conduct to him also. He seemed displeased that they had been confined, and ordered them to be released. I told him I conceived there was just ground of complaint, as these men had interrupted me in my public duty. He replied, the inhabitants of the settlement had his permission to work upon the Sabbath, and begged I would never interfere again with the internal government of the colony. From the sentiments expressed by the commander-in-chief upon this occasion I was determined to prefer no more complaints, but to struggle with present difficulties till time and a change of Government should remove them. At the same time I could not but lament at the awful prospect (a prospect pregnant with every evil to the colony) of seeing everything sacred and moral trampled upon. Such disrespect shown to the sacred office of a clergyman, and such open violation of the Sabbath countenanced in the commander-in-chief, could not fail of producing the most destructive effects upon the minds of such vicious persons as are transported to this place. The Lord's Day was spent by the principal part of the convicts either in cabals, or labour, or gaming, or drunkenness, or robberies. If this unbounded license granted by the commander-in-chief be maturely considered in all its serious and fatal consequences, I submit to your Excellency to draw the sad conclusion from the above premises. It is well known that all civilised nations have found it expedient for the maintenance of good government (waving all other considerations) to inculcate upon the minds of their subjects a due respect for religion, whether their national religion were false or true.

Released by Grose.
 Working on Sunday
 countenanced by Grose.
 Respect for religion in other countries.
 Macarthur at Parramatta.

Parramatta, the place of my residence, was no less a scene of everything immoral and profane. The commanding officer there, Captain McArthur, was no more inclined to countenance a due

respect for the Sabbath than the commander-in-chief at Sydney. The Lord's Day was generally spent in riot and dissipation by the settlers, soldiers, and prisoners. The following melancholy circumstance will serve to shew what was the state of order and morality at the time alluded to:—One Sabbath Day I had just done preaching when a settler, named Simon Burn, came up to me and insulted me in the most daring manner. At that time he was in a state of intoxication. The head constable being present, I desired him to take the settler before Captn. McArthur, there being no other magistrate at Parramatta. I immediately waited upon the commanding officer and stated to him the settler's improper conduct, and how riotous he had been in the camp that day, and requested he would have the goodness to confine him untill he became sober, to prevent any more disturbance in the town. Instead of attending to my complaint, he considered it as vexatious, treated me in a manner unbecoming a gentleman, and dismissed the settler in his state of intoxication. The consequence was, the second or third Sunday following this same man was drinking in the camp as usual, when one of his companions stabbed him to the heart with a knife, of which wound he instantly expired. I was not informed when the murdered man was to be interred; having learnt this by accident, I hastened to the place to perform the funeral rites, when upon my arrival I found his companions had buried him in the most beastly manner, after pronouncing the most horrid oaths, curses, and imprecations over his corpse.

1798

25 July.

A complaint
by MarsdenIgnored by
Macarthur.The conse-
quences.

I mention this circumstance to shew your Excellency in what a hardened and profligate and desperate state of mind the common people were. All idea of a Supreme Being and respect for everything decent, moral, and sacred seemed totally obliterated. Yet this was no more than might naturally be expected from such a description of mankind when all, without exception, however infamous and abandoned, were allowed by those in authority to absent themselves from public worship and to spend the Sabbath as their different passions and interests operated upon them. Being compelled from a sense of duty occasionally to represent to the commanding officer at Parramatta the excess and riot exhibited on the Sabbath in the open camp in violation of all law, sacred and human, my representations were neglected and my person insulted. Your Excellency cannot be ignorant, since your arrival, of Captn. McArthur's attempt privately to assassinate my character, and of his violent and shameful attacks publicly to ruin me for ever in the opinion of the inhabitants of this settlement. Had his malicious intention succeeded, my authority and influence and respect as a clergyman must have been totally lost amongst them, and consequently my studies to instruct the people of my care rendered useless.*

General
immorality.Marsden and
Macarthur.

* The Records contain no reference to the circumstances to which Marsden here alludes.

1793
25 July.
—
A profession
of integrity.

It may seem a little indelicate in me to say I feel a conscious security in my own integrity, and should have no reluctance to appeal to this colony at large how far I have acted correspondent with the dignity of my sacred office. Your Excellency will pardon this digression when you reflect what an unfair advantage the above officer took of my situation to ruin my character and my peace of mind.

The chief
cause of
excesses.

There can be no part of his Majesty's dominions where the clergy have been treated with so much neglect, and none where their influence and instructions have been more necessary. I cannot but attribute to the neglect of public worship as a chief cause that idleness, and prodigality, and excess, and ruin which have raged amongst the settlers and prisoners. To shew what subsequent ruin has come upon the settlers and their families, I beg leave to refer your Excellency to those reports respecting their situation which I had the honour to lay before you in February last.*

Ruined
settlers.

It is not possible to exhibit a more convincing proof of the dissipation and immorality of this colony than the beggary and ruin of this description of its inhabitants, who ought to be the strength and support of the settlement. What I have now stated are well-known facts, and I deem it quite sufficient without further enumeration to furnish your Excellency with that information you require.

Improve
ments
effected by
Hunter.

Before I conclude this paper, suffer me to express my gratitude for the happy change which has been made in the internal government of this colony. Some months after your Excellency succeeded to the command of this settlement, and had learnt from your own knowledge and observation the true state of its concerns, exertions were made to arrange its distracted affairs, and to establish order and subordination and quiet amongst the inhabitants. It is obvious the salutary effects of these exertions have been felt more or less in every district.

The obstacles to order and subordination and good government were and have been so great that time and unwearied perseverance alone can remove them. Much, however, has been done since your Excellency's arrival, notwithstanding every opposition, to establish the prosperity and happiness of this settlement upon a permanent foundation, the established laws of our country, and much still remains to be done.

That every future attempt your Excellency may make to promote the general good, and to render these parts of his Majesty's dominions prosperous and happy, may be attended with success, is the prayer of, &c.,

SAMUEL MARSDEN.

* Ante, pp. 370-375.

[Enclosure No. 6.]

1798

MACARTHUR'S CHARGES AGAINST ATKINS AND ATKINS'S REPLIES.

25 July.

COPY of charges or assertions exhibited against Richard Atkins, Esquire, by Captain John McArthur, of the New South Wales Corps, with the several answers thereto:—

"On his having drawn a bill of exchange in favour of Captain Bond, of the East India Service, on Mr. Thornton, of London, with intent to defraud, he having neither account or credit with Mr. Thornton":

A charge of fraud.

Mr. McArthur asserts that I have no account with Mr. Thornton. I declare that I have had pecuniary dealings with that family for these twenty years last past; that I have drawn many bills on them, all of which have been paid when presented (this excepted), and what may have been Mr. T. reasons for not honouring the one in question is not for me to enquire; but this I say, that from the several transactions passed between us I had a well-grounded expectation that it would have been honoured.

Atkins's reply.

The bill was drawn about February, 1793. One private letter I am informed has been written by Captain Bond to Mr. McArthur, acquainting him that the bill had not been paid. He has had this letter in his possession for upwards of two years, and he now brings it forward—for what purpose? To answer his own malicious ends to lower me in the estimation of your Excellency, of his Majesty's Judge-Advocate, and in that of the principal officers under your government, and that at a time when I was going to take upon me the discharge of an office of the utmost consequence to every individual in New South Wales. If Captain Bond was not satisfied would he have let so long a time elapse without taking some step for the recovery of the amount of this bill? Why was not the regular mode adopted? Why did he not protest it for non-payment and transmit it to Mr. McArthur, as his agent, with a proper power of attorney to sue me? Numerous ships have since arrived from England and the East Indies. But I assert to your Excellency that it has long been paid, and if he is satisfied, what right has Captain McArthur to complain? If my intention had been to defraud Capt. Bond I might have drawn a bill on any indifferent person as responsible as Mr. T. in London, or on any fictitious person. No, sir, I drew on a family that had been in the habit of paying bills for me, with whom I have had very extensive dealings, and with whom I have at present credit to a considerable amount. (If necessary, I refer your Excellency to the Reverend Mr. Johnson.) Taking the whole into your serious consideration, I am induced to hope you will acquit me of any intention to defraud Captain Bond, and consider this first charge as grounded on malevolence and low vindictive malice.

His monetary transactions.

The action of Captain Bond.

Absence of fraudulent intention.

1798

25 July.

A second
charge..

"On his having drawn a bill of exchange on an agent in London with whom he had neither account nor credit, with intent to defraud Mr. Palmer, the Commissary":

The facts of
the case.

As an answer to this charge I refer your Excellency to Doctor Thompson's testimony, herewith transmitted,* and just observe that Messrs. Collett and Wimburne have for these seven years past been my agents to receive the interest on £2,000 left me by my mother, Lady Bowyer, and likewise to receive my half-pay. The whole of this money has been appropriated to particular purposes regularly, except £13 12s. 2d. (the amount of the bill), no part of which sum have I received since the 25th of December, 1791, the year I left England. Mr. Palmer, in whose favour the bill was drawn, will acquaint you with his opinion on this transaction. If I had intended to defraud him could I not have drawn for £100 or a larger sum than the trifling one now in question? This charge I hope your Excellency will place to the same low pitiful account as the first.

A charge of
intoxica-
tion.

"On his being frequently in a state of intoxication the most shameful, but more particularly on the 19th of August, when he was seen exposing himself in the public streets at an early hour in the morning":

Testi-
monials.

In answer to this charge I refer your Excellency to the several testimonies herewith transmitted,† as well as to the affidavits of two persons whom Mr. McArthur in the most shameful, scandalous manner endeavoured to intimidate for the most infamous purposes. I must request your Excellency's attention to that part of T. Saul's evidence where he says, "I drank a little liquor, which after that 'tis well known am deprived of sensation or recollection, and if I uttered what is mentioned must be in that situation." I am in your Excellency's judgment whether or not if Saul had (unfortunately for me) been in the state he mentions would he not have been frightened by Mr. McArthur? Would he not have been induced (perhaps with an additional glass) to say anything Mr. McArthur chose? Would he not have signed it? Perhaps swore to the truth of it, and is it not probable that Mr. McArthur would the next day have told Saul if he did not persist in the oath he had taken he would accuse him of perjury? This respectable evidence would no doubt have been made the most of. If these practices are permitted to go on with impunity, who is safe? Ought not a stigma to be cast on that man who has dared to violate in so infamous a manner every principle of law and justice? One remark more on this charge. It mentions in the body of it that on the 19th I was seen, &c. It

Intimida-
tion.The charge
denied.

* Ante, p. 128.

† Two of these testimonies will be found on p. 127 and one on p. 129, ante. The others are not available.

was on the 19th the piggs was sent to Toongabbe, and it was on that day Saul says he delivered me the letter "between the trees adjoining my own house," and that I was not drunk. This being the case, how could I be "exposing myself at an early hour"? I declare to your Excellency this charge is founded on a most base and infamous falsehood, and I trust will be treated as such.

1798

25 July.

"On his abusing and ill-treating Mr. Thorp, the millwright, and Wm. Rydout [Ridout], for applying to him for the payment of money he was indebted to them":

A charge of ill-treatment.

Though this charge is of so trifling a nature as hardly worth noticing, yet for your Excellency's satisfaction the evidences of Thorp and Rydout have been taken, and to them I refer.* I had purchased a small farm from Mr. Thorp and had paid him all the money except £4. Mr. Thorp met me and asked whether it was convenient to me to pay him that sum. I answered that he should have it on Saturday. He was perfectly satisfied; but on the Thursday preceding the Saturday he came to my house and behaved in so insolent a manner that I was under the necessity of turning him out of my house. Rydout's testimony will, I conceive, be perfectly satisfactory.

The circumstances explained.

"On his stopping Benjamin Carver, a settler, and forcibly taking from him his property in the public highway, and distributing it at his pleasure, in defiance of the poor and helpless owner":

A charge of highway robbery.

This at the first view appears a heavy charge, amounting to a highway robbery; but I trust it will bear a very different complexion when your Excellency has perused Carver's own account of it.† It will appear that the liquor then paid away was with his own consent, and not distributed.

"On his having desired the destruction of one of his letters written to Lieut. Cummins on business, least it should be produced and prove the follies that are committed under the sacred name of justice":

A charge of official misconduct.

I transmit to your Excellency a copy (the original in my possession) of the note, and you will judge how far Mr. McArthur is authorized to ground such a charge on it:—"Mr. Atkins' comp'ts to Mr. Cummins—is informed that he means to memorial the Governor for a delay of justice. Mr. A. wishes Mr. C. to recollect that he apologized to him for the delay by press of business. But Mr. C. may rest assured that the evidences shall be transmitted to his Excellency in the course of three days. Supposing Mr. Atkins was wrong, he did not suppose Mr. C. would appeal without acquainting him with it."

The letter containing Atkins's request.

* These evidences have not been preserved.

† Carver's account is not amongst the Records. It is possible that Hunter did not send it home.

1796 The evidences alluded to were respecting F. Davis and Mr.
25 July. and Mrs. Cummins, and they were sent within the time specified.
The note was sent in consequence of Mr. Marsden's informing
me with Mr. Cummins's intentions. RICHARD ATKINS.

[Enclosure No. 7.]

RICHARD ATKINS TO JOHN PALMER.

Dear Sir, Parramatta, 28th August, 1796.
The bill of exchange. As Captain McArthur, among other charges, has accused
me with drawing a bill in your favor with intention to defraud
you of the sum of £13 12s. 2d., I have to request that you will
signify to me your opinion on the matter. I assure you that so
far from it I had at that time in the hands of Messrs. Collett
and Wimburne, the person on whom the bill was drawn, a much
larger sum than that bill I drew for. I am, &c.,
RICHARD ATKINS.

[Enclosure No. 8.]

JOHN PALMER TO RICHARD ATKINS.

Sir, Sydney, 1st September, 1796.
Palmer acknowledges payment. In answer to the letter I just received from you relative
to a bill drawn on Messrs. Collett & Wimburne for the sum of
£13 12s. 2d. sterling, I do hereby declare that I never entertained
any such idea, that the bill above mentioned has been since paid,
and you must be well convinced that I could not have entertained
an unfavourable opinion of you, having continually supplied you
with money, and whatever else you have required from me, and
have also left directions with my agent to continue such supplies.
I am, &c.,
JNO. PALMER.

GOVERNMENT AND GENERAL ORDER.

1 Aug.

Parole—Uniformity. Countersign—Regularity.
1st August, 1798.
The great inconvenience which is experienced by the civil magis-
trates every time they meet for the investigation of complaints
and other matters cognizable by them, from the loose and careless
manner in which every kind of business between the inhabitants
of this colony is transacted, induces the Governor to recommend
it to all descriptions of persons that when any bargain, con-
Specialty contracts. tract, or agreement is made between any party or parties, on any
subject, matter, or thing whatsoever, the same be made in writing,
specifying in direct and absolute terms the nature of such bargain,
contract, or agreement, witnessed and subscrib'd by the parties
interested therein; a measure which must be obvious to every
one is calculated to prevent disputes, law suits, errors, and mis-
understandings. JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

1798

6th August, 1798.

6 Aug.

Parole—Fair.

Countersign—Honorable.

COMPLAINT having very recently been made to the Governor that there is much reason to suspect that many of those persons who have taken up the business of retailing various articles to the laboring people of the colony use false or improper weights* and measures, to the great injury of the purchaser, the Governor thinks it necessary, therefore, to recommend to the civil magistrates that they direct the constables to give public information to such retail dealers that if after the 15th day of this month they are found to use any weights or measures but such as have been proved to be just, and stamped at the Government store, they will be liable to such punishment as the law prescribes in such cases.

False weights and measures.

The Governor also recommends to the magistrates that as the time of granting new licences to such persons as were allowed to retail liquors for the accommodation of the working people has been some time pass'd, that they proceed as early as they conveniently can to the renewal of such licences, that none may believe that such licences are unnecessary; but as it has been found that the number formerly granted was by far too many, and nearly become a public nuisance, his Excellency recommends that they allow only the following numbers, and those, he trusts, will be chosen from amongst the very best characters: Sydney, eight; Parramatta, four; Hawkesbury, three.

Liquor licences.

MAJOR FOVEAUX, VICE-ADMIRALTY JUDGE.

Cumberland County,
to wit.

{ By His Excellency John Hunter, Esquire, 10 Aug.
Captain-General and Governor-in-chief in
and over his Majesty's Territory called
New South Wales and its dependencies,
&c., &c.

THE exigency of the public service requiring that a Court of Vice-Admiralty should be held on Monday, the twentieth day of this instant, August, at Sydney, in the county aforesaid, to take cognizance of and proceed in all matters within the maritime jurisdiction of the Vice-Admiralty Court of New South Wales, in the absence of Lieutenant-Colonel Grose, the Lieutenant-Governor of this territory, who is appointed the Judge or President of the said Court of Vice-Admiralty, in and for this settlement, it becomes expedient that a competent person should be appointed to sit or preside as Judge or President of such Court, I, John Hunter, Esq., Governor and Captain-General in and over his Majesty's territory called New South Wales, by virtue of the powers and authorities delegated and vested in me as Vice-Admiral, Com-

The Vice-Admiralty Court.

* Ante, p. 406.

1798

10 Aug

missary, and Deputy of the said Court of Vice-Admiralty to depute or surrogate in my place one or more deputy or deputies as often as I shall think fit, and also to name, appoint, make, and constitute whatsoever other fit and convenient officers and ministers under me for the said office and execution thereof in New South Wales aforesaid, do by these presents nominate, appoint, ordain, make, and constitute you, Major Joseph Foveaux, of the New South Wales Corps, to be Judge and President of the said Court of Vice-Admiralty, which shall be holden at Sydney aforesaid: And you, the said Major Joseph Foveaux, are hereby required to officiate in the said Court in all the duties appertaining to the said office of Judge and President.

For this shall be your sufficient warrant and authority.

Given under my hand and seal, at Government House, Sydney, this tenth day of August, in the year of our Lord one thousand seven hundred and ninety-eight.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

15 Aug.

15th August, 1798.

Parol—Sheerness.

Countersign—Chatham.

Officers'
convict-
servants.

THE officers are hereby inform'd that the regulation ordered by Government to be established relative to the laboring servants employed by them took place on the 1st of this month. If, therefore, the gentlemen are desirous of discharging any of those they have hitherto employ'd, they will now return them and send a list of the names of those so discharged to Captain Johnston.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

20 Aug.

My Lord Duke,

20th August, 1798.

Norfolk
Island.

By the last conveyance from Norfolk Island I received a letter from Captain Townson,* of the New South Wales Corps, the officer in command there for the time being.

Captain
Townson.

Captain Townson expresses himself much hurt at my not having kept up a more frequent intercourse with him, and I cannot help thinking this mode of conduct unwarrantable, as he certainly might have waited until he had been apprized of the cause or better known the grounds of his complaint. By his letter, I find

* Captain Townson succeeded Lieutenant-Governor King as Commandant at Norfolk Island in September, 1796.—Ante, p. 5 (note).

he has written to your Grace on the particular concerns of the island, and it seems he has put his letter under the care of some private person here. I am wholly unacquainted with its contents, nor has Capt. Townson chosen to send it to me, to be forwarded with my dispatches in the usual channel. 1798 29 Aug.

If, my Lord, this mode of correspondence at home, on the concerns with which his Majesty has been pleased to honour me with the direction of, is suffered to pass without proper notice, I can scarcely see where it will terminate. I will, however, take the liberty of assuring your Grace that I can never see with indifference the duties of my office thus interfered with. Official etiquette.

I have written to Capt. Townson and told him so, and that it was my intention to mention this impropriety to your Grace. I am the more particular in noticing it from having, in several letters, had occasion to remark libertys of the same nature in an officer of a similar description here, a reply to whose shameful letter to your Grace you will receive by this conveyance. A parallel case.

I enclose a continuation of the Public Orders* I have had occasion from time to time to issue, and have the honor, &c., JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord Duke, 20th August, 1798.

Your Grace will receive herewith a letter addressed to me from Mr. Balmain, the principal surgeon to the colony, in which he states the considerable addition to his duty in having such seamen belonging to his Majesty's ships as require to be landed for the recovery of their health placed in the colony hospitals under his immediate care and direction, and requesting that I will forward his application on this subject to your Grace—it is for that purpose enclosed. The chief surgeon's duties.

I also transmit another letter from Mr. Balmain, covering a state of the sick, &c., and demands for hospital stores.

In this letter he mentions the deficiency of medical assistance in the now extended state of the colony. On this subject I have to observe, my Lord, that the duties of that department at the Hawkesbury, where are not less than 1,000 inhabitants and upwards, have been constantly attended by an ignorant convict, and that the assistant surgeon stationed at Parramatta has frequently been sent for on occasion of accident, twenty miles or further, and obliged sometimes to walk that distance in the night. Should your Grace admit the expediency of Mr. Balmain's proposition, relative to the appointment of an apothecary to the hospital, I Insufficient assistance. Balmain's proposition.

* These Orders will be found printed in their proper places in order of date.

1798 know of no person more fit or capable than Mr. Thomas Arndell,
20 Aug. whom he mentions; he is particularly qualified for it, having been
regularly brought up in the medical profession, and has been
resident here from the first establishment of the colony.

I trust, my Lord, that a supply of hospital stores will be ordered
as soon as convenient. I have, &c.,

JNO. HUNTER.

Live stock
and
agriculture.

P.S.—I enclose for your Grace's information an account of our
live stock, and also of ground at present cropt with wheat, to-
gether with what is prepared for planting with maize.

[Enclosure No. 1.]

SURGEON BALMAIN TO GOVERNOR HUNTER.

Sir, Sydney, New South Wales, 31st July, 1798.

The chief
surgeon's
salary.

In a conversation with your Excellency some days ago I
took occasion to observe that, in addition to the duty which I have
to perform as chief surgeon to this settlement, I have also to
receive and take care of the sick which are occasionally sent to
the hospital from his Majesty's ships and others, and that for the
uncertain allowance of thirteen shillings and sixpence for every
cure performed on his Majesty's seamen only. I say uncertain,
because the trouble and expence of employing an agent in England
to pass accounts and recover so small a sum from the Sick and
Hurt Board is discouraging and disadvantageous, and I presume
your Excellency will readily allow is a very inadequate compen-
sation for the charge and trouble which a faithful attention to such
duty requires.

Asks for
payment as
substitute.

I beg leave to assure your Excellency that I have not the
smallest desire to make any difficulty or to complain of hardship
in performing this task; but as it is customary in all other parts
to give additional pay to such of his Majesty's servants as have
extraordinary duties to perform, I trust it will not be considered
unreasonable in me to hope for the same indulgence.

Submits the
question to
official
superiors.

It would be unbecoming in me to take the liberty of making
any demand for my services; this is for the consideration and
can only be determined by his Majesty's Ministers, and to their
decision I will have the honor of bowing with the most respectful
submission.

I will not trespass longer on your Excellency's time than to add
that, if you think the addition of five shillings a day to my present
salary a reasonable expectation, I request you will do me the favor
to recommend it, and that you will be pleased to transmit my
application on this subject with your dispatches.

I have, &c.,

W. BALMAIN.

[Enclosure No. 2.]

1798

SURGEON BALMAIN TO GOVERNOR HUNTER.

20 Aug.

Sydney, New South Wales,

1st August, 1798.

Sir,

Enclosed is a state of the sick continued from the 31st of July, 1797, to the 31st of July last, together with a copy of the last demand of medicines and necessaries for the use of the hospital under my direction, and also a fresh demand for various other articles which are much in use and almost quite expended. Hospital returns.

It will scarcely be necessary for me to request that you will be pleased to represent the propriety of a punctual attention to these demands, as you must be perfectly aware of the inconveniences which must arise from the want of all or any of them.

It is also my duty to state to your Excellency that the extent of our detachments requires a greater number of assistant surgeons, and that for the want of them much inconvenience is felt by the inhabitants. Insufficient assistance.

I have on a former occasion represented to you that an unskilled convict performs the medical duty at the Hawkesbury, a numerous and extensive settlement. One assistant surgeon is stationed at Norfolk Island, and no person with him capable of taking his charge, in case of accident or ill-health. Another of the gentlemen is placed at Parramatta, a populous place, where constant watchfulness and attention is required, and myself with two others perform the duty at head-quarters. The requirements at the Hawkesbury.

From this statement I hope it will be evident that the number of medical men is by far too small, and that in addition to the assistant promised in the room of the late Mr. Irwin [Irving] another assistant surgeon, together with an apothecary for the hospitals, are indispensably necessary. Additional officers required.

If what I have taken the liberty to observe on this subject be approved of, an assistant surgeon may be spared from head-quarters, as the apothecary will fully supply his place, and have also sufficient time to perform his own particular duty. By this arrangement there will be five assistant surgeons on detachment, which I think will in the present state of the colony be sufficient.

Men of abilities should be selected for the most obvious reasons, and here I beg leave to recommend Mr. Thos. Arndell to the appointment of apothecary; he is in every respect well qualified for the office, and as he enjoys a pension of £50 pr. annum for his past services as assistant surgeon, would be well satisfied to do the duty by having his pay made up to that of an apothecary. Assistant-surgeon Arndell recommended.

With submission to your Excellency's judgement and opinion,

I have, &c.,

W. BALMAIN.

1798

[Enclosure No. 3.]

20 Aug. GENERAL State of the Sick, Hurt, &c., in N. S. Wales, from the 31st July, 1797, to the 31st July, 1798 :—

Return of sick and hurt.

Sick and Hurt.	Civil and Free People.			N.S.W. Corps In Hospital.	Convicts in Hospital and Quarters.			Births.				Deaths.			
	Men.	Women.	Children.		Men.	Women.	Children.	Civil and Free People.		Convicts.	Civil and Free People.		N.S.W. Corps In Hospital.	Convicts in Hospital and Quarters.	
								Males.	Females.		Males.	Females.		Men.	Women.	Children.	Men.	Women.	Children.
1797.															
August ..	2	..	3	5	73	22	3	..	7	7	..	..	1	..	..
September ..	2	..	4	3	76	14	3	..	10	4	..	..	4	..	..
October ..	1	..	4	3	65	17	12	..	4	6	..	..	1	..	..
November ..	4	1	2	3	53	15	7	..	7	3	..	..	4	..	..
December ..	4	1	..	3	60	17	8	..	1	3	1	..	3	1	1
1798.															
January ..	2	2	..	..	50	12	10	..	7	6	..	..	1	1	..
February ..	2	..	..	..	59	15	9	..	6	3	..	..	7	3	..
March ..	2	1	1	3	46	16	8	..	3	3	..	..	3	3	..
April ..	1	..	2	..	115	13	6	..	3	3	..	..	4	3	..
May ..	1	..	2	..	115	16	6	..	9	..	1	..	4	2	..
June ..	1	..	1	1	75	15	4	..	2	5	1	..	1	1	1
July ..	2	1	1	5	73	11	5	..	..	4	..	..	3	..	..

W. BALMAIN, Principal Surgeon.

[Enclosure No. 4.]

Live stock and agriculture

ACCOUNT of Live Stock, of Ground now Crop'd with Wheat and Barley, and what is prepar'd for Maize this season in the Settlement of New South Wales, together with Increase and Decrease of Live Stock within the last Six Months, and of Acres in Cultivation since last year.

August 22nd, 1798.	Cattle.				Sheep.		Goats.		Swine.	Grain.			Acres in Potatoes.	Acres in Vines.	Acres for Malae.
	Mares.	Horses.	Cows.	Bulls and Oxen.	Male.	Female.	Male.	Female.		Acres in Wheat.	Acres in Barley.	Acres in Potatoes.			
Government	26	4	143	115	147	269	37	80	44	450	..	..	..	..	150
Inhabitants	..	47	118	45	1,312	2,174	750	1,794	2,823	4,209	572	14	9	..	1,303
Total	26	44	266	163	1,459	2,443	787	1,880	2,867	4,659	572	14	9	..	1,453
Increase	5	15	15	27	262	517	..	379	131	1,298	31	3	1	..	..
Decrease	..	..	..	..	..	..	..	..	..	..	..	..	..	..	74

The average produce of wheat, barring accidents or a very bad season, may be about 75,000 bushels; and of maize, from 26 to 30,000 h.
J.H.

VICE-ADMIRALTY COURT.

1798

His Majesty's Territory called New South Wales.

At a Court of Vice-Admiralty, holden at Sydney, the 20th day of August, 1798. 20 Aug.

THE President having reported to his Excellency that several members nominated and summoned to attend in order to compose this Court, by virtue of a precept under the hand and seal of John Hunter, Esquire, Captain-General and Governor-in-Chief of this his Majesty's territory, have failed in due obedience thereto and neglected to give their attendance this day, whereby the public service is much impeded and injured, his Excellency hath directed the President to signify the Governor's entire disapprobation of a conduct which seems to border on contumacy, and that the said President do cause the following extract from his Excellency's Commission, specially prepared for this purpose, to be publicly read in open Court, and entered upon record in the said Court, as a general and standing order that on future occasions the Governor's power and the penalties incurred by disobedience thereof may be known and understood by all ranks and descriptions of people.

Non-attendance at Vice-Admiralty Court.

Penalties therefor.

JNO. HUNTER.

Extract from the Commission referred to.

"WE do in our name command all and singular our Governors, justices, mayors, sheriffs, captains, marshalls, bailiffs, keepers of all our gaols and prisons, constables, and all other our officers and faithful and liege subjects whatsoever and every of them, as well within liberties and franchises as without, that in and about the execution of ye premises and every of them they be aiding, favoring, assisting, submissive, and yield obedience in all things as is fitting to you the aforesaid John Hunter, our Captain-General and Governor-in-Chief of the said territory called New South Wales, extending as aforesaid, and of all the country and islands as aforementioned, and to your deputy whomsoever, and to all other officers (by you appointed or to be appointed) of our said Vice-Admiralty in the said territory, &c., and maritime parts of the same and thereto adjoining, under pain of the law and the peril which will fall thereon."

The Governor's powers.

MUTINY ON THE BARWELL.

Cumberland, to wit, {
Sydney, {
20th August, 1798. {
Proceedings of a Vice-Admiralty Court held by virtue of a precept from under the hand and seal of his Excellency John Hunter, Esq're, Governor and Captain-General in and over his Majesty's territory of New South Wales and its dependencies, &c., &c.

READ the Letters Patent appointing John Hunter, Esq're, Governor and Captain-General, &c., Vice-Admiral of New South Wales.

Letters Patent.

1788 Read the appointment of Richard Atkins, gentleman, to be
20 Aug. Register of the Vice-Court of Admiralty, New South Wales.
 Read the appointment of Mr. Thomas Smith to be Provost-
 Martial of the Vice-Court of Admiralty, New South Wales.

Officers of
Vice-
Admiralty
Court.

The following members formed the Court :—

Captain Henry Waterhouse, of his Majesty's Royal Navy.
Lieutenant William Kent. Captain Chas. Bishop.
Lieutenant Robert Brathwaite. Augustus Alt, Esq're.
Lieutenant John Shortland. Mr. Thomas Arndell.
Lieutenant Matthew Flinders. Mr. Thomas Moore.
Captain Wm. Wilkinson. Mr. Andrew Gouldie, Gunner.

Richard Atkins, Register.

Absent
members.

Who, being duly sworn, issued an order to the Provost-Martial to summons Captain John Fearn, Mr. Robt. Campbell, Mr. James Williamson, and Mr. Roger Simpson to appear at the Court on Tuesday, the 21st instant, to shew cause for their disobedience to his Excellency the Governor's authority, when ordered to attend as members composing the said Court.

Offenders.

George Bond appeared in Court, and on his indictment pleaded not guilty; J—— L—— and others, convicts, appeared in Court, and on their indictment pleaded not guilty.

Issued a warrant to the Provost-Martial to apprehend John Murray, Wm. Hallam, Gregory Belloe, James Owens, and John Navils, privates in the New South Wales Corps, charged with divers offences committed on the high seas, to be brought before the Vice-Admiralty Court, to plead to their several indictments, on Tuesday, the 21st instant.

The annexed paper (No. 1)* delivered into the Court by George Bond, and their opinion taken thereon, when the objection stated in the above-named paper was overruled.

Adjourned to Tuesday ye 21st.

The Court met pursuant to adjournment.

The indict-
ments.

The Court took into their consideration the several indictments brought before them, which state that on the 20th day of March certain crimes were committed by the several persons therein charged. The opinion of the Court was taken whether they should confine the evidence to acts committed on that particular day, when, after having consulted all the law authorities, they were unanimously of opinion that the evidences are not to be confined on their examination to that particular day, but may be examined on any act committed on a subsequent day.

Members
censured for
non-
attendance.

Captain John Fearne, Mr. Robt. Campbell, Mr. James Williamson, and Mr. Roger Simpson having been summoned by the Provost-Martial to appear on this day to shew cause for their non-attendance at the Vice-Admiralty Court when ordered so to

* This paper is missing.

do by the precept of his Excellency the Governor and Vice-Admiral of this colony, the three first appeared to the summons, when they were censured by the Judge of the Court by a paper read by him in open Court, which paper is to be recorded in said Court; and the Provost-Martial ordered to bring Mr. Roger Simpson before the Court.

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John Murray, William Hallam, Gregory Belloe, James Nevil, privates in the New South Wales Corps, being brought to the Bar, were arraigned, and, pleading not guilty, were put on their trial; and at the same time the other prisoner, James Owens, having declared to the satisfaction of the Court that his name was John, not James, and claimed the benefit of a misnomer, which was admitted, and he was in consequence discharged from the Bar of the said Court.

Prisoners at the Bar.

J—— Y——, a convict, being duly sworn :—

Evidence of a convict.

Q. by Prosecutor.—Do you recollect a discovery being made of a plot to seize the ship *Barwell*?

A.—I do. John Gray, John Murray, Corporal Welch, Gregory Belloe, James Nevil, and W'm Hallam came into the soldiers' hospital, where the deponent was. Grey said he had a great secret to reveal to the deponent—that himself and the soldiers had agreed to take the ship, and all of them were to have their guns ready charged, and that the guns were to be delivered up to the convicts. Grey further said that it would be an easy thing for him (the deponent) to take a deal or two from the partition separating the soldiers' hospital from the convicts, and said that the deponent was too intimate with the captain and officers to do it. Afterwards Welch said that there was a Lord Judge on board, and Grey replied he hoped it would be in his power to judge him very soon; and Welch then called for a bottle of brandy and said he would give us all a toast, which was, "Damnation to the King and Country." Afterwards Grey asked the deponent what he was for doing, who replied that he was determined to have nothing to do with it, for that he would not be concerned in murder. Grey replied that he would give the deponent until to-morrow to consider of it. That during the time the toast was drank and the conversation that passed between himself and Grey, Murry, Welch, Belloe, and Hallam, the prisoners at the Bar, were present and drank ye toast before mentioned. The morning after Grey came again to the deponent, and then asked him what he was for doing. The deponent replied that he still continued in the same mind as formerly, and that he was determined to have nothing to do with it. Welch was with Grey, and he (Grey) said to the deponent that he need not be afraid for all that—the soldiers had laid their heads together, and that there were above thirty guns ready charged. Grey said to the deponent that he would say no more to him at

A plot amongst the soldiers.

A disloyal toast.

- 1798
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Settling the details.
- The conspirators' toast.
- Afraid of exposure.
- Convicts to join their guards.
- A promise of pardon.
- present, but he would have him come down between decks and dine with him, and that they would then settle it there and treat him with a bottle of brandy. That he was half an hour persuading the deponent to go down between decks, but the deponent desired him (Grey) never to mention it again to him, and he never had from that time any further conversation with him. That at the time Welch told the deponent that thirty guns were charged ye four prisoners were present.
- Q. by Prosecutor.*—At the time the prisoners were drinking damnation to their king and country, did they not also add, "wishing the ship may sink when they are out of it?"
- A.*—Yes, they did.
- Q.*—Did all the prisoners drink that toast separately?
- A.*—The whole of them did.
- Q.*—Did they abuse or throw out any threats against you for not drinking the toast?
- A.*—They said, "You dam'd Scotch beggar, if you do not drink it you will be telling, and if you ever do tell we will run you through wherever we meet you."
- Q.*—Did you conceive their threats were in order to prevent your telling that they had drunk the above toast, or was it to prevent your discovering the plan of insurrection?
- A.*—They (the prisoners) thought that if he (the deponent) discovered it, it would prevent their taking their ship.
- Q.*—When they proposed the plan of taking two planks out of the bulkhead of the soldiers' hospital, did Patrick Welch say that it would be a nice place for the convicts to come through and join the soldiers?
- A.*—He did.
- Q.*—Were any of the prisoners at the Bar present at the time Welch used that expression?
- A.*—All the prisoners were present at the time.
- Q.*—Did they (the prisoners), on his (the deponent's) refusing to join them at that time, threaten to murder him (the deponent) and blow the captain and officers to damnation?
- A.*—They did.
- Q.*—Did the soldiers now at the Bar with Welch declare they would stick true to one another, and be all as one man with firelocks well charged, or words to the like effect?
- A.*—They did.
- Q. by Gregory Belloc.*—Did not Captain Cameron give him (the deponent) a promise to obtain for him a pardon on condition of his coming forward as an evidence against the prisoner, as well as against Mr. Bond?
- A.*—Captain Cameron never did give such a promise, and the information of the conspirators was gave to Mr. Dore without the privity of Capt'n Cameron.

Q. by Wm. Hallam.—Did not you (the deponent) tell a man of the name of Lancashire, as well as Grace and Jacques, that Captain Cameron had promised you a pardon if you would come forward as an evidence against the soldiers? 1798
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A.—He never did.

Q.—Have you not been kept on board the *Barwell* since her arrival at Port Jackson for the purpose of giving your evidence against the soldiers? On board the
Barwell.

A.—I was not kept on board for that purpose, but I requested Capt. Cameron to keep me there, as I conceived my life to be in danger in coming on shore.

Q.—Did you consider your life to be in danger from any of the prisoners at the Barr?

A.—I conceived my life to be in danger from the whole of them.

Q.—Where did you (the deponent) think you was going to when the *Barwell* left this port?

A.—I supposed that I should be ordered on shore.

Q.—Did you ever hear any of the prisoners at the Barr say anything that could excite a mutiny or tend to the taking of the ship? Conduct
of the
prisoners.

A.—He has heard the whole of them use expressions to that effect.

Q.—At what time and at what part of the ship was it that you heard those expressions?

A.—In the soldiers' hospital at ye time that they would not drink damnation to the King and country.

Q.—Did you not mention to some person or persons in this settlement that you was going home in the *Barwell*?

A.—He has mentioned to many persons that he expected a pardon from England, in which case he would go home in the *Barwell*. Expecting
a pardon.

Q.—Can you speak to any particular person or persons you mentioned this to?

A.—I have often mentioned it to Mr. Turnbull, an officer on board the *Barwell*, and, perhaps, to other persons, but can't recollect to whom.

Q.—Did you ever mention it to B——, a convict?

A.—He thinks he did.

J—— B——, convict, being duly sworn :—

Q. by Prosecutor.—Will you relate to the Court what passed between you and Wm. Hallam, a prisoner at ye Barr, after the ship *Barwell* left the Cape on the 20th March, or any day subsequent to it? Evidence of
a convict.

A.—Wm. Hallam came down into the prisoners' hospital and began complaining about their (the soldiers') provisions; he said they would have no banyan days—that they had hard duty, and that they Soldiers'
grievances.

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Overtures to
convicts.

ought to have meat every day ; he further said that no more men should be punished, and that they would stick together to a man, and that the officers of the ship durst not deny them what provisions they wanted. He said that they were encouraged to do something else, but that he did not know whether they would accept it or not. The deponent asked him what it was ? He replied he did not know whether he could tell him or not, but that he believed he could put confidence in him (the deponent). The deponent said he wished they were at their journey's end, for that they were always grumbling. The pris'r Hallam said they were not through yet, and that he would be dam'd if ever they should get through, for that something better would be done for him (the deponent). That deponent understood what he meant, and told him the consequence of mutiny, and that if they had any just grievance they might get it redressed when they got to their journey's end. Hallam said he would be dam'd if they would wait for that, as they had the power in their own hands.

Q. by Prosecutor.—Did you ask the prisoner Hallam if he knew the consequence of a mutiny, and how fatal it might be if discovered ?

A.—He did ask him that question.

Q.—Do you recollect what answer was made you by Hallam ?

A.—He cannot say.

The ring-
leader.

Q.—Did Hallam ask you if you did not know who was at the head of this ?

A.—He did.

Q.—Did he not say it was the blind one ?

A.—He did.

Q.—Did you understand who he meant by the blind one ?

A.—He did understand ; for that he Hallam expressed himself who it was.

A military
officer.

Q.—Did Hallam say to you, "It is Bond, our officer, a dam'd good fellow, and there are but few of us he will trust with the secret ?"

A.—He did say so, or words to the same effect.

Q.—Did Hallam observe to you that the soldiers had the power in their own hands, from being possessed of arms, to take the ship, and that they intended so to do when they had been a few days at sea ?

A.—He did observe it to deponent.

Q.—Did Hallam enjoin you to secrecy ?

A.—He did.

Q.—Did he repeatedly enjoin you to secrecy ?

A.—The next day he did, and seemed rather afraid that deponent would inform the officers of what had passed between them.

Q.—Did he hold out any expectation of your regaining your liberty ?

A.—On the first day of the conversation he did hold out an expectation of my regaining my liberty, but that he, the deponent, told him he wished to come to the end of his journey. 1798
20 Aug.

Q. by the Court.—Was it the day the alteration of the ration to the soldiers took place that this conversation happened? Alteration of
ration

A.—It was.

Q. by Hallam.—Did you not say to a person in this colony that you would swear anything for Captn. Cameron, in order to get you your pardon and take you home in the Barwell?

A.—He neither used such expression or did Captn. Cameron make me any promise of that kind.

Q.—Did you never make use of those expressions to John Davis, a millwright?

A.—He never did, but he is acquainted with him.

Q.—Have you never received any reward, or are you not in expectation of receiving one, for coming forward as an evidence on this prosecution?

A.—He neither has or does he expect to receive any reward.

The Court adjourned to Wednesday, 22nd August.

An adjourn-
ment.

Q. by Prosecutor.—Did Hallam say in the course of his conversation with you that he would be dam'd if the ship should get to its journey's end?

A.—He said he would be damn'd if we, meaning the prisoners, should ever get to their journey's end.

Q. by Wm. Hallam.—Do you recollect the substance of a conversation which passed between you and Sml. Bishop, about a fortnight ago, when going to Parramatta with a pass from Judge Dore, in quest of some money due to you there? Cross-
examina-
tion.

A.—I do not recollect ye person by name, nor does he recollect any discourse that he had with that person.

Q.—Do you recollect saying that the Judge would be a friend to you as long as you was in the colony, and for what reason?

A.—He does not recollect.

Q.—Do you not recollect having said that the reason why the Judge said he would be a friend to you was in consequence of what had passed on board the Barwell?

A.—Says he does not recollect.

Q.—Do you recollect ye substance of a conversation that passed between you and John Brown, a soldier, and Thos. Turner this morning? An incrimi-
nating con-
versation.

A.—I this morning went into the bakehouse of John Brown for bread; the dept. asked him how he did or wished him a good morning; Brown said to deponent, "You are a pretty sort of a man"; the dept. asked him what for. Brown replied for what did I think, and said you must be a perjured man. "For what reason?" replied dept. Brown said, "Did you not tell me you would swear

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Intimidat-
ing a
witness.

anything for Captain Cameron?" The deponent said he never mentioned such a thing; Brown said he would take his oath of it; and the deponent replied he hoped he had more regard for himself and a future state; Brown said that was not to be minded. Ye deponent then went away, and said if he was of that disposition the shorter time he staid there the better; and Brown said that neither himself, the deponent, or any of Captain Cameron's evidences should be countenanced by any gentleman or other persons in this colony; he further observed that Capt. Cameron was here to-day and gone to-morrow, and that he, the deponent, ought to study his own interest and the interest of the colony; to which deponent replied that interest ought to have no weight where justice was required.

Q.—Do you not recollect on such occasions having said that had you have known yesterday as much as you did to-day you would not have appeared at all, but would have run in the woods?

A.—I do not recollect having said so.

Contradic-
tory state-
ments.

Q.—Do you not recollect having also said that what you had sworn against the soldiers you was obliged to swear, and that you really believed Mr. Bond and the soldiers to be as innocent as the child unborn?

A.—I do not recollect having said so.

Q. by Prosecutor.—Do you recollect having at any time been applied to by any person or persons to deny the evidence formerly sworn to by you before Mr. Balmain relative to this business?

A.—Frequently.

Q.—Have you been offered any reward for denying the evidence?

Suborning a
witness.

A.—He cannot positively say he has, but something to the same purpose. The night before the tryal came on I was accosted by a person, Mary Newton, who keeps a bakehouse, who said she hoped that he was not going as an evidence against that poor man to take his life. The deponent said he did not believe his evidence would affect him in the least, as he never heard Mr. Bond say anything respecting the business, and that the evidence he had to give lay another way and against another person. She said for Jesus Christ do not give evidence against them, and if Mr. Bond pulls through and gets clear of this that he would enter a law-suit against Captain Cameron, and would undoubtedly recover damages, and that he (Bond) was a very good man, and she would pass her word that everyone of us should be well rewarded, and that several other persons had spoken to him to deny what he had before said.

The chief
mate's
evidence.

Mr. Byers, chief mate of the *Barwell*, being duly sworn:—

Q. by Prosecutor.—Relate to the Court what you know respecting a mutiny on board the *Barwell* subsequent to the 20th March!

A.—On the 24th, between the hours of 3 and 4 in the evening, we were disturbed by a noise in the soldiers' apartment, owing to a quarrel between Hallam and Murray. They were ordered upon deck by their commanding officer, which they refused to do. He (the commanding officer) then ordered the sergeant and corporal to bring them up, which they neglected to do. The deponent was then ordered by Captain Cameron to send them up, which the deponent did. The commanding officer, Mr. Bailey, ordered the soldiers to be paraded without their arms. This, likewise, they refused to do. The soldiers in general then said that they would come up with their arms, but after some hesitation the whole of them that were below came up without their arms. Hallam and Murray were ordered by their commanding officer to be put in irons with Patrick Welch, then a soldier, and ordered into the orlop among the convicts. Murray, on going down the ladder, made use of this expression, "That if they were all of his mind every man would be put down there."

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Mutinous
soldiers.

Q. by Prosecutor.—Do you recollect having heard Hallam say to Ensign Bailey that he had robbed him, which he had no right to do?

A.—He does not recollect those expressions.

Q.—Do you recollect anything respecting a pack of cards which Mr. Bailey took from ye prisoner Hallam, as he was playing with them contrary to Mr. Bailey's express order, and Mr. Bailey hove them overboard?

Card-
playing.

A.—He does recollect that circumstance, which reminds him of the former question respecting Hallam's saying Mr. Bailey had robbed him, for he now recollects Hallam's saying to Mr. Bailey that he had robbed him.

Q.—Do you recollect, that in consequence of that expression of the pris'r Hallam said to Mr. Bailey, that the ship's irons were ordered, in order to confine Hallam for it, and that a rumour spread among the soldiers in general below that he was immediately to be punished, which, by several expressions made use of, they were determined to resist by force?

The soldiers
threaten to
use force.

A.—He does recollect it.

Q. by John Murray.—Do you know or recollect whether he had any falling out with Wm. Hallam on that day?

Cross-
examined by
a prisoner.

A.—He does recollect a quarrel with Hallam in consequence of a game at cards.

Q.—Was I the person that was playing at cards with Wm. Hallam, or did you ever know me play at cards on board the ship?

A.—He did not see him play at cards at any time on board the ship.

Q.—Did you ever desire me to come up on that day, and did I

waist?

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Re-examined by prosecutor.

A.—I did desire you to come up on that day, and you did resist, and I told you that if you continued to resist I would have you brought up by a rope's end, and when you was at the bottom of the ladder you still continued to resist coming up.

Q. *by Prosecutor*.—Did Ensign Bailey, before you went down below or afterwards, point out to you any danger in going at that time among the soldiers?

A.—He does not recollect any expressions of that kind.

Q. *by Court*.—At the time you went down, was Hallam and Murray sober or drunk?

A.—They were both a little intoxicated.

Q.—Do you know anything particular respecting Belloe and Nevil, the other two prisoners?

A.—Respecting Belloe, he was confined in the orlop deck, on suspicion of conveying letters to the convicts from Mr. Bond; with respect to Nevil, he has nothing to say.

Evidence of a convict.

J—— L——, a convict, being duly sworn:—

Q. *by Prosecutor*.—Did Mr. Bond ever desire you, if you saw Belloe, to tell him to be sure to deny anything he might have said to the captain that was prejudicial to him (Mr. Bond) when he was brought to tryal, for that nothing could injure him (Belloe) if he persisted in denying it?

A.—Mr. Bond said to me if I could see Belloe to let him know whatever he had said concerning Mr. Bond to Captain Cameron, to save himself from punishment, to deny it when he came to Botany Bay, for that nothing could injure him, the said Belloe.

Q.—Have you been applied to by any person to deny the evidence you had formerly given relative to this business, or offered any fee or other encouragement for so doing directly or indirectly?

A.—He never has.

Q. *by the Court*.—Had you any conversation with Belloe in consequence of this conversation with Mr. Bond?

A.—I had not.

A hostile witness.

W—— T——, convict, being duly sworn:—

Q. *by Prosecutor*.—Do you know the prisoner at the Bar, John Murray?

A.—I do.

Q.—Did you ever hear Welch say to Murray, when they were linked together as prisoners in the orlop deck, that if this business had not been found out, that, by the assistance of Mr. Bond and the soldiers, they would have done the business?

A.—I never did.

Q.—Have you been applied to by any person to deny the evidence you formerly swore to before Mr. Balmain?

A.—Never.

Q. by Wm. Hallam.—Have you not received in part payment from Simon Lord five dollars to come forward against the soldiers by order of Captain Cameron?

A.—I have received from Simon Lord, by order of Captain Cameron, sixteen dollars and one shilling, upon account of having done Captain Cameron's work to the value of twenty shillings. I offered to do him the remainder of ye work, and Capt'n. Cameron told me not to mind it, as it made no difference between him and me, for that he made me a present of the remainder to stick true to my test, and that he would make me a present of a further sum of £40 and a free passage home, provided I would stick true to him to prosecute Mr. Bond. The deponent told him at that time that he considered himself, tho' a King's prisoner, upon the land of freedom and liberty; that he was neither obligated to say or swear anything that was improper to save his own life, and he should now do as his knowledge led him to do, as he was not now on board his ship. The deponent further says that he did not go on board his ship, nor had he any conversation with him for some time after, until he met him between Mr. Balmain's house and a house now building for Mr. Moore, and Captain Cameron then said to him, "T——, my lad, do not fail sticking true to me, otherwise I lose my cause, and Mr. Bond will bring me in a great sum of money damages."

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A charge of bribery.

The Court having taken into consideration the testimony of W—— T—— (the last evidence) are unanimously of opinion that no confidence be placed on it, as being diametrically opposite to an affidavit sworn to by the said W—— T—— before Wm. Balmain, Esq're, which affidavit was read in Court; and the Court are further unanimously of opinion that the aforesaid W—— T—— shall be committed to his Majesty's prison, to be brought to trial at the next Criminal Court for perjury.

Untrust-
worthy
evidence.

The Court adjourned to Thursday, 23rd August.

Mr. Roger Simpson appeared in Court, and was reprimanded by the President for not attending the precept of the Governor and Vice-Admiral to sit as a member of the Vice-Admiralty Court.

In consequence of the indisposition of a member of the Court they adjourned until the 24th.

The evidence on the part of the prosecution being closed, the prisoners were put on their defence. The defence.

Q. by Hallam.*—Do you recollect the substance of a plan which John Young proposed to you about three or four weeks prior to the Barwell's arrival at Port Jackson, for the purpose of his

* There is nothing in the MS. to show to whom this question was addressed—apparently to the last witness.

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effecting a pardon, as also a passage to England, provided you acted in conjunction with him?

Concocting
a charge of
mutiny.

A.—I do recollect it; as near as I can call to mind it was about three weeks before our arrival at Port Jackson. Young, who slept in the hospital part of the ship, as well as the deponent, called me to his hammock before he Young was up, and told me that if I would be ruled by him I might get a free pardon when he got to Botany Bay; the deponent asked Young what it was that he was to do. Some other people being in the hospital, they agreed to go upon deck, and in about half-an-hour they met in the waist of the ship, and he there proposed to me that I should inform the captain that I overheard the soldiers conspiring together (or words to that effect) to murder the captain and the rest of the officers and himself (John Young). The deponent, on informing him he had never heard such conversation, "Ay, you fool," says John Young, "you will get a free pardon when you get to Botany Bay, if you will say so." The deponent told Young that he would consider of it. Young spoke to the deponent several times on the same business, and the deponent always replied he would consider of it. The deponent did not intend to take any notice of it to the captain until his arrival at Botany Bay, but the deponent found that by some means or other it had reached Captain Cameron's ears, in consequence of which deponent wrote a letter to Captain Cameron, informing him of the several conversations that had passed between himself and Young.

A convict's
evidence.

J—— W—— L——, a convict, being duly sworn :—

Q. *by Prisr. Hallam.*—Do you recollect ever having heard John Young say that Captain Cameron had not only promised to procure for him the said John Young a free pardon and also a passage to England, provided he (Young) came forward against Mr. Bond and the soldiers?

A.—He does, and that frequently, during his conversation with John Young.

Q.—Have you not repeatedly heard him, whilst making out the journals for Captain Cameron, testify what you have now advanced?

A.—He has frequently heard him.

Q. *by the Court.*—Did this evidence, from any circumstances that came within your own knowledge, know whether Young's accusation of the soldiers was just or unjust?

A.—He cannot, from his own knowledge, say whether they were just or not.

J—— B——, convict, being duly sworn :—

Q.—Do you recollect going on board of the *Barwell* on or about the latter end of June last respecting some rope-yarns for your hammock, which Thomas, the quarter-master, supplied you with?

A.—He recollects going on board about that time.

1793

Q.—Do you recollect on that occasion having any conversation with John Young?

20 Aug.

A.—I do; on going on board the Barwell I went between decks, and there I saw John Young. Deponent asked Young if he was not coming on shore. Young replied no, neither did he expect to come on shore at all; deponent asked him the reason why; Young told him that Captn. Cameron was using his influence with the Governor on his (Young's) behalf for permission to go home to be an evidence against Mr. Bond, the soldier officer; at the same time Young observed to the deponent that if he (the deponent) would be directed by him he might also get his pardon; deponent asked him in what way; Young told him that if he would go to Mr. Dore, the Judge-Advocate, and tell him that Mr. Bond was going to take the ship by the assistance of the soldiers and ye prisoners, that he made no doubt but he would make interest with Captain Cameron to obtain a pardon also for him (the deponent), who then observed to Young that he knew nothing of the business relative either to the soldier officer or the prisoners; at the same time Young observed to deponent that he knew as much of the business as he (Young) knew of it; deponent then asked Young how he could think of going on with such a piece of business, and Young replied that provided he got his pardon it was all he wanted.

A deep laid scheme.

Q. by Court.—When this conversation took place between deponent and Young, were any persons present?

A.—He thinks there was no person present.

John Brown, private of New South Wales Corps, being duly sworn:—

John Brown's evidence.

Q.—Do you recollect the substance of a conversation which passed between you and John Broadbent on or about a fortnight ago?

A.—He does. The deponent keeps a bakehouse, and Broadbent is a customer of his; that deponent asked him what could be the meaning of such disturbance on board the Barwell, and what misconduct there had been there. Broadbent replied that there was a suspicion that the prisoners were going to take the ship. Deponent asked him if the soldiers were not also suspected. Broadbent replied that they were. Deponent asked Broadbent if he really thought that the soldiers and prisoners were combined together for that purpose. He replied that he really thought they had no such intention. He said the troops were a set of civil, well-behaved men, and knew very little of the military duties, except two or three old soldiers on board, and that he was much surprised at the usage they had received on board, for that he knew the duty of a soldier himself, and he really believed that Mr. Bond and the troops were as innocent as a child unborn of what was

Suspicion of a conspiracy.

1798 laid to their charge, and he positively declared to him (the deponent) that he had not a word to say against either Mr. Bond or the soldiers. He further said that he had some promise made to him, and that he expected to return in the *Barwell* to Europe. The deponent asked him what reason he had to expect to return in the *Barwell*, having so shortly arrived in the country. Broadbent replied Captain Cameron had promised to be a friend to him and take him home with him, as he (Broadbent) was one of the principal evidences that Captain Cameron meant to call on the trial, and that Captain Cameron had repeatedly made use of those words to him on shore.

Rewards for false evidence.

Reliability of Broadbent's evidence.

Q.—Do you recollect the substance of a conversation which took place between you and John Broadbent on the 22nd inst.?

A.—He does. About 7 o'clock in the morning on that day Broadbent came into deponent's bakehouse and said good morning, which the deponent did not return, but he asked him if he was not a pretty fellow. Broadbent asked him for why. Deponent replied respecting the evidence he had given in Court after the conversation that had passed between them a few days before at deponent's house. Broadbent said what he had done he was obliged to do, as he had sworn it before. Deponent asked him how he could be such a perjured villain to swear against an innocent man whom he had but a few days before declared the innocence of. Deponent said he would make this conversation known to the Court. Broadbent said that if he had known as much at that time as he did then he would have seen the Court damned before he would have gone near it, for that he would have gone in the bush. Deponent immediately demanded payment of what was due to him, and told Broadbent to go away from his premises.

Q. by Court.—Was there any person present either at that or second conversation with Broadbent?

A.—Samuel Bishop was at the first, and Thomas Turner at the second conversation.

A convict's evidence.

S—— B——, a convict, being duly sworn :—

Q. by Court.—Do you recollect a conversation that passed between John Brown and John Broadbent?

A.—He does. He (the deponent) went into John Brown's house, and John Broadbent was there. That Broadbent said this Judge would be a friend to him as long as he was in the country, and Captain Cameron also, with the proviso that he would stick to what he had said. He said that the soldiers were all a parcel of very quiet men, and that he did not see that Mr. Bond was in any fault, for that he was as innocent as a child unborn of what was laid to his charge, but that if he would persist in what he had said Captain Cameron would provide him a passage.

Thomas Turner, New South Wales Corps, being duly sworn :— 1798

Q.—Do you recollect a conversation that passed between John Brown and John Broadbent on the 22nd inst. ? 20 Aug.

A.—He does. He went into John Brown's bakehouse to get some bread, and Broadbent was there telling John Brown that he had nothing to say against any of the soldiers nor against Mr. Bond neither, for that he believed him to be as innocent as the child unborn, and as good a gentleman as was on the ground. John Brown asked him why he swore such things against the soldiers, who replied that he was obliged so to do. Jno. Brown said that no person was obliged to swear falsely, and Broadbent replied that if he had have known at that time as much as he then knew he would have seen the Court damned first, and that he would have gone into the bush. John Brown desired Broadbent to take his things with him and go off the premises. Thomas Turner's evidence.

W— C—, convict, being duly sworn :—

Q.—Was you not chained to Broadbent on board the Barwell for eight months, and did you ever during such your state of confinement hear, or did you ever see, the prisoners at the Bar carry on any correspondence exciting or tending to excite any commotion in the ship? A convict's evidence.

A.—He never did.

Q.—Did you ever observe or perceive the soldiers wish to seize upon the ship or to murder the officers ?

A.—He never heard any such thing among the soldiers.

Q. by Prosecutor.—Had you an opportunity of being frequently with the soldiers to know what their intentions was ? Ignorant of any conspiracy.

A.—He had no communication with any of the soldiers except when they were on duty.

Q. by Court.—Could any conversation pass between any of the prisoners at ye bar and Broadbent without his hearing it ?

A.—No conversation could pass without his knowledge.

Q.—Was you chained to Broadbent during your passage from the Cape to Port Jackson ?

A.—He was.

The evidence being closed, and the Court having taken into their serious consideration every part thereof, are of opinion that the prisrs. are not guilty of any part of the charges exhibited against them.

*Adjourned to Monday, the 27th.**

Mr. George Bond appeared at the bar, and the Court proceeded to tryal. Trial of Ensign Bond.

Read certain papers in open Court, No. 3, 4, 5, 6, 7†

* After several adjournments, the Court met for the trial of Ensign Bond.

† These papers are missing.

1798 Mr. John Thomas Sharpe, surgeon of the *Barwell*, was called, who
20 Aug. being duly sworn :—

Evidence of the surgeon. *Q. by Prosecutor.*—Relate to the Court what passed relative to the prisoner at the bar on the 24th March, when he was in the steerage?

A.—I was making up some medicine in the steerage, and Mr. Bond opened his cabin door, and called to a man of the name of Welch, who was sitting at the further part on his box, near the ladder leading to the quarter-deck; Welch did not hear him the first time, on which Mr. Bond called him rather louder; the other soldiers likewise called Welch, on which he (Welch) went to Mr. Bond, and several of the soldiers followed him; Mr. Bond spoke very low to the soldiers—they were close round him—for some time; the deponent having finished the medicines, he leant over a hammock, and he heard Mr. Bond tell the soldiers that it was not the time then to make a mutiny or attempt anything, and further told them that they had better stop till the man was punished, for then it would be time enough; immediately upon hearing the above expressions he went up to the quarter-deck and reported the same to Captain Cameron and Mr. Byers, chief mate, for they were both together.

Q.—Do you verily believe that these words were spoken by Mr. Bond with a view to instigate a revolt in order to commit a piracy with the soldiers?

Ensign
Bond and
the soldiers.

A.—Certainly; when I went down, on going along the quarter-deck, he observed Hallam, a private, and a prisoner walking very hard to and fro and looking down to the soldiers' berths, and going down the ladder he heard a very great confusion below, and particularly Welch, who said he would not have the man punished, and the other soldiers were of the same opinion; immediately after Mr. Bond called Welch, and the conversation as above stated then passed.

Q.—Do you recollect having heard in a day or two after of any information having been given that Mr. Bond had drop'd a letter down one of the air-scuttles leading to the orlop-deck, and by whom such information was given?

A.—Deponent understood such information was given by John Young.

Suppression
of the
mutiny.

Q.—Was you present at a meeting called by me for the purpose of considering the proper steps to be taken to suppress the disturbances among the soldiers and convicts?

A.—He was.

Q.—Did you verily believe from the different informations then received that it was absolutely necessary for the safety of the ship, to prevent piracy and revolt, to take the steps that I* did, by confining the prisoner at the bar, as well as some of the soldiers?

* Captain Cameron.

A.—Appearances were so dangerous at that time that it required every exertion to be used for the safety of the ship. 1798

Q. *by Prisoner*.—Have you not repeatedly said you would resign your charge of surgeon of the Barwell, as Captain Cameron withheld from you the wine and other medical stores? 20 Aug. The captain and the surgeon.

A.—He never has said so.

Q.—In what part of the ship was you at the time this dispute happened between the soldiers respecting Hallam's being punished, and do you mean to say you was present?

A.—I was at the medicine-chest in the steerage.

Q.—Did you at any time say that John Davis was out of his mind at the time of his death? Cross-examined by the prisoner.

A.—I never did say that John Davis was out of his mind at the time of his death.

Q.—Describe the manner which the soldiers and myself were ironed?

A.—He never saw Mr. Bond ironed.

Q.—Do you mean to say I was not in irons?

A.—He does not mean to say so.

Ensign Bailey, N.S.W. Corps, being duly sworn :—

Q. *by Prosecutor*.—Was you present at a meeting held, in order to deliberate the best mode to be taken in order to suppress the disturbances in the ship, on the 25th or 26th March? Ensign Bailey's evidence.

A.—I was present at a meeting held on board the ship for that purpose.

Q.—Do you believe that the steps taken in consequence of that meeting, from the information then had, that it was absolutely necessary for the safety of the ship, and to prevent revolt and piracy, to take the steps we then did?

A.—To prevent revolt, I think the steps then taken were necessary.

Q. *by Prisoner*.—Did you at any time hear Mr. Sharpe say he would resign his charge of surgeon to the Barwell?

A.—He has heard him make use of language to that effect.

Mr. Byers, chief mate of the Barwell, being duly sworn :—

Q. *by Prosecutor*.—Do you recollect on the 24th March, at the time ye soldiers were paraded on ye quarter-deck, to have seen Mr. Bond come upon the ladder leading to the quarter-deck, and what did Mr. Bailey say to him on that occasion? Evidence of the chief mate.

A.—He remembers seeing Mr. Bond at one time on the ladder, and at another time on that day on the quarter-deck, and he Bond was ordered down by Mr. Bailey, who told him that if he did not go immediately he would be under the necessity of placing a centinel over him.

1798 Q.—Do you believe, from the situation of the ship at that time,
20 Aug. that Mr. Bond came upon the quarter-deck to spur the soldiers to a revolt, and with an intention to commit piracy?

A.—He certainly does.

Q.—Do you believe that the steps taken on board the *Barwell*, namely, the close confinement of the prisoner at the Bar and others, were absolutely necessary to prevent piracy and bloodshed?

A.—He thinks it was absolutely necessary to put the prisoner under close confinement.

Cross-examination of the mate. Q. *by Prisoner*.—Did I make use of any expressions or speak to any person when I came on deck?

A.—You did not.

Q. *by Court*.—What induced Mr. Byers to conceive Mr. Bond had an intention to stir people up to piracy and murder?

A.—From the evidence of Mr. Sharpe, and Mr. Bond appearing upon deck contrary to orders.

Q.—Was that at the time the soldiers were parading on the quarter-deck?

A.—At the time Mr. Bond attempted to come on the quarter-deck it was?

Q. *by Prisoner*.—Did the soldiers at that time parade without arms?

A.—They did.

Evidence of the second mate.

Mr. Turnbull, 2nd mate of the *Barwell*, being duly sworn:—

Q. *by Prosecutor*.—Do you recollect on the 24th March, at the time the soldiers were parading on the quarter-deck, to have seen Mr. Bond come upon the ladder leading to the quarter-deck, and what did Mr. Bailey say to him on that occasion?

A.—He saw him come on the quarter-deck, and Mr. Bailey ordered him below.

Q.—The same as to Mr. Byers?

A.—He does.

Q.—As to Mr. Byers?

A.—He certainly does.

Cross-examination of the second mate by the prisoner.

Q. *by Prisoner*.—Do you recollect searching the orlop-deck for a letter?

A.—I do.

Q.—Did you make use of any threats at that time?

A.—I was desired by Captain Cameron to go down in search of a letter. He went to the berth underneath the scuttle, where the letter was said to have been dropt, and he questioned the persons that slept in that berth concerning it, when they positively denied it. Dept. told them it was much better to bring it forward, or it would fare worse with the whole of them. The next day the letter was acknowledged. That is the whole that passed.

Q.—Do you recollect any punishment inflicted in order to compel ye convicts to acknowledge such letter? 1796
20 Aug.

A.—He does not.

Q.—Describe to ye Court the manner in which the soldiers and myself were ironed?

A.—I never saw you in irons.

Q.—Do you mean to say I was not in irons?

A.—I believe you was in irons, but I never saw you.

Q.—Did the soldiers come upon deck with or without arms on ye 24th March?

A.—Without arms.

Q. by Court.—The same as to Mr. Byers?

A.—By his coming upon deck when the ship was in that alarming state and breaking his arrest. Cross-examined
by the
Court.

Q.—The same as to Mr. Byers?

A.—It was.

Q.—Had Mr. Bond any arms when he came on deck, or had he any that he might have got at when below?

A.—He had none that he observed when he came on the quarter-deck, but cannot say what he might have below.

Mr. Dore, Judge-Advocate, being duly sworn :—

Q. by Prosecutor.—Do you recollect a meeting being called to consider the proper steps to be taken in order to quell ye disturbances on board the Barwell on the 25th or 26th of March? Judge-
Advocate
Dore's
evidence.

A.—Perfectly well.

Q.—From the information then received, do you think it was absolutely necessary, in order to prevent piracy and murder, and for the preservation of the ship, that the steps then taken, namely, the close confinement of Mr. Bond and others, should be put in force?

A.—Such was the sense of that meeting at which he attended as a member.

Q. by Prisoner.—Did you ever see anything in my conduct that gave you reason to believe I intended to murder ye officers and seize upon the ship?

A.—He never did.

J—— L——, convict, being duly sworn :—

Q. by Prosecutor.—Do you recollect having been desired to deliver a message from Mr. Bond to Gregory Belloe, a soldier, desiring him to be sure to deny anything he had said prejudicial to him (Mr. Bond) when he was brought to tryal, for that nothing could injure him (Belloe) if he persevered in denying it? A convict's
evidence.

A.—Mr. Bond told me that if he could see Belloe to let him know what he had said to Captain Cameron to save himself from punishment concerning ye said Mr. Bond to deny it when he came to Botany Bay, and nothing could hurt him.

1798

20 Aug.

Ensign Bond
and the con-
spirators.

Q.—Did he afterwards enquire whether you had seen Belloe respecting his former message to him, or did you ever hear Mr. Bond enquire of Carrol, the barber, if the convicts below ever mentioned his name concerning anything?

A.—He has.

Q.—Did you ever hear Mr. Bond say that Carrol informed him that all the informations given by the people concerned in the conspiracy they were determined one and all to deny it?

A.—Mr. Bond told me that the evidence they had given was false, and they meant one and all to deny it when they came to Botany Bay.

Q.—Do you recollect any circumstance respecting a letter or paper dropt down ye scuttle, or pickt up on ye orlop-deck, or have you seen any person reading a paper which they said they had found in one of the births at that part of the ship about ye time the disturbance broke out?

A.—He does not recollect any circumstance respecting it.

Cross-
exam'nation
by the
prisoner.

Q. by Prisoner.—Did you ever see anything in my conduct that gave you reason to believe I intended to murder the captain and seize upon the ship?

A.—He never did.

Q.—Relate to the Court the manner in which I was ironed on board the ship?

A.—Your two legs were ironed about 2 inches separete from each other, and he (the deponent) was under the necessity of lifting him in and out of his cot.

Q.—Was there any convict in the ship ironed in the manner I was?

A.—No one to my knowledge.

Q.—Did not Captain Cameron give all the convicts in the ship wine when he withheld it from me, as well as my allowance of spirits?

A.—He believes he did.

The prisoner
acquitted.

The evidence on the part of the Crown closed. The evidence on the part of the Crown being read, and the Court having taken the same into their consideration, are of opinion that there is not evidence sufficient to his conviction, do therefore think it unnecessary to put the prisoner on his defence, and do therefore acquit him of the crimes laid to his charge.

RICHARD ATKINS,
Registrar.

GOVERNMENT AND GENERAL ORDERS.

27 Aug.

27th August, 1798.

Religious
observances.

It is with much concern and displeasure that the Governor has for some time past observed a more than usual inattention to the Sabbath Day, and to the sacred duties which that day has been set apart for the performance of, that instead of employing it as the Christian religion, which we profess, intended, and as the laws by which we are governed have positively directed, it is occupied

in other employments, and in the indulgence of every abominable act of dissipation. This must not—shall not, be suffered. It is therefore hereby strictly ordered : That the overseers of the different gangs do see their men mustered every Sunday morning, as well as at all other proper times and occasions, and that they do attend them to church ; that the superintendants under whose direction such gangs are placed do attend to the due execution of this Order ; that such gangs as are employed at a distance, as at Toongabbee, the superintendants there do direct that two or more of those gangs, according to the number he may have, be ordered to attend the church at Parramatta in the forenoon, and as many in the afternoon ; that the constables in or near the towns of Sydney and Parramatta do see that due attention is paid to this Order ; that the women, who, to their disgrace, are far worse than the men, be most strictly looked after and ordered to attend divine service regularly, or they will expose themselves to punishment.*

1798

27 Aug.

Convict
gangs to
attend
church.

That as example from superiors is certainly highly effectual in all such cases, the Governor expects that the officers will direct that a certain number of their domestic servants do attend the church ; and for the more punctual and constant execution of these Orders he desires he may have, and he trusts he shall have, the assistance of the whole body of the officers, both civil and military. He is convinced that when it is well known that the officers will take notice of all disobedient and disorderly persons there will be less cause to complain of the shameful and disgraceful abuse of the Sabbath Day by the lower ranks of the people. Such assistance from officers would certainly be productive of a more prompt attention to Public Orders in general, and to the establishment of a more decent conduct in the inhabitants of this colony. The Governor trusts that the magistrates will in a particular degree shew their zeal in compelling a due attention to the meaning of this Order, and prevent the opening of licensed public-houses during the hours of divine service, or any irregularity in a day set apart for public worship. If due attention is not paid to these Orders, and such shameful conduct in the people more rigidly looked after, the Governor is resolved to shut up every public-house, and to prosecute with the utmost rigour all who shall attempt to retail strong liquors without regular permission.

Hunter asks
officers'
assistance.

Inattention
to Public
Orders.

GEORGE BARRINGTON.†

THE papers lately asserted that George Barrington was on his return to this country, his time having expired. The fact is as follows: He arrived at Port Jackson in September, 1791, and was employed on the Government grounds at Toongabbee, some

28 Aug.

* In regard to the prevalent neglect of divine worship, see Officers' reports, ante, pp. 433-440.

† Reprinted from the *London Chronicle* of 28th August, 1798.

1798
28 Aug.
His good
conduct.

distance from Sydney Cove, where his very exemplary conduct procured him, first, the post of a subordinate, afterwards that of a principal watch, for the protection of the stores, &c., and in November, 1792, a warrant of emancipation passed the seal of the colony, and after the short space of thirteen months he became a free man, such power being vested in the Governor in favour of deserving characters. This was one of the last acts of Governor Phillip previous to his leaving the colony. With his freedom George Barrington had a grant of thirty acres of land at Parramatta, and was afterwards sworn into the Commission of the Peace. Though no longer a convict after November, 1792, yet he could not leave the colony without permission from the Governor and providing his passage home himself.

GOVERNOR HUNTER TO SECRETARY NEPEAN.

3 Sept.
Wreck of the
Sydney
Cove.

Sir, Sydney, New South Wales, 3rd Sept., 1798.

From the unfortunate loss of a ship nam'd the Sydney Cove,* from Bengal, upon a voyage of speculation to this port, I had occasion to send our small Colonial schooner and a deck longboat to the southward as far as latitude 40° 36' S. to take off the surviving crew, and to save such property as the above boats might be capable of taking on board from the island on which the ship had been wreck'd.

Loss of the
longboat.

I beg their Lordships may be inform'd that the schooner return'd in safety with the master of the wreck'd ship and a few lascars, but a heavy gale of wind having set in on the day of their leaving the island, the longboat, which was commanded and navigated by Mr. Armstrong, the master of the Supply, founder'd with all her crew and seven or eight lascars on board, together with such articles as had been put on board from the wreck.

Matthew
Flinders.

The schooner being only forty-two tons burthen, it became necessary to send her again to the wreck. I took that opportunity of ordering Mr. Flinders, the 2d lieutenant of the Reliance, with her, for the purpose of making what observations he cou'd amongst those islands relative to anchorage, &c.

George Bass.

Previous to the last trip of the schooner, Mr. Bass, the surgeon of the Reliance, a young man of much ability in various ways out of the line of his profession, solicited, during the repairing of the Reliance, that he might be allow'd a boat, and have her man'd from the King's ships. He was desirous of tracing the coast along in the boat, and to make what observations he might be able relative to harbours or anchorage. I fitted out a good whaleboat for him, victual'd her, and man'd to his wish. He went southward along the coast, and on finding, when he had got the length of Cape Howe, that the shore inclin'd westward, he

His expedi-
tion in a
whaleboat.

* See Hunter to Portland, 6th July, 1797.—Ante, p. 277 and Appendix A.

continued to trace it along until he came to a steep and high promontory* in latitude 39° 00' S. From this cape the land lay along W.N.W.; he continued to steer in that direction for about sixty miles beyond this headland, where he found an extensive harbour, but his provisions becoming short, and being at a very considerable distance from Port Jackson, together with his boat becoming leaky, he resolv'd upon returning. He had at one time stretched off from the above headland to the S.W., until he was in latitude 40° 00' S., but the wind shifting to the westward and blowing strong, he was oblig'd to run for the land again, which he with difficulty reach'd. The sea rose to so mountainous a height that he had every reason to believe he was not covered by any land to the westward. This circumstance corroborates an opinion which I ventur'd to give from some observations of my own—that there was a probability of an open strait, thro' between the latitudes of 39° 00' S. and 42° 00' S.†

1798

3 Sept.

Bass Strait.

To shew how far the conjecture I made may have been just, I directed Mr. Flinders to take into one chart the observations of Mr. Bass and his own; and I send a copy‡ to be laid before their Lordships. From this little sketch it will appear that the high land in latitude 39° 00' S., which Mr. Bass went round, is the southern extremity of this country, and that the land call'd Van Dieman's is a group of islands laying to the southward of that extremity, and probably leaving a safe and navigable passage between; to ascertain this is of some importance. I am endeavouring to fit out a deck'd boat of about fifteen tons burthen for that purpose, in which I propose to send the two officers above mentioned.

Hunter's
belief in the
existence of
a strait.

I have, &c.,

JNO. HUNTER.

THE REBEL-LEADER HOLT.§

WE are sorry to mention that in the Co. Wicklow a small, but desperate, band of rebels still continue to reject the proffered amnesty, and carry devastation thro' a part of that unhappy country.

4 Sept.

On Tuesday last, Captains King and Mills, of Rathdrum, were attacked by a party of this banditti in the road between Arklow and New Bridge. A smart action took place, in which the loyalists had the misfortune to lose two of their men, altho' they succeeded in routing the rebels.

The military
attacked.

The next day the same officers, in scouring the country, fell in with the rebels, under their General, Holt, who again attacked them and were again beaten, with the loss of four of their party

* Wilson's Promontory. See Bass's own journal, ante, pp. 312-333.

† Hunter, in his "Historical Journal," published in London, in January, 1793 (p. 126), expressed the opinion that a very deep gulf or a strait separated Van Diemen's Land from New Holland.

‡ The chart is missing. See the map, reproduced in Appendix B.

§ Reprinted from the *Dublin Evening Post* of Tuesday, 4th September, 1798.

1798
4 Sept.
The rebels again beaten.

killed (amongst whom was one Hacket, the second in command), and several of them wounded. The remainder fled precipitately, leaving their pikes, muskets, ammunition, and horses as prizes to the gallant Rathdrum yeomanry, who brought them, together with Miss Holt, the General's sister, into the town of Rathdrum.

Narrow escape of an M.P.

On Thursday, Mr. Hume, Member for the Co., as he proceeded to examine the state of the country near his house at Humewood, was waylaid by a detachment of Holt's party, who fired some shots at him, one of which passed through the crown of his hat. The Humewood cavalry immediately went in pursuit of them, but the rebels, by their activity, easily eluded their approach, and fled into the bogs and mountains. This escape made the rebels more audacious, and on Saturday Holt and his ruffians, to the number of about 100, were surprised burning houses in the Glen of Imaal by a party of the 89th Regiment from Baltinglass; the rebels instantly fled, but were not fortunate enough to escape the activity of the Humewood corps, which, under Capt. W. Hume, met them in their retreat and killed several with muskets in their hands.

It is a satisfaction, however, to be assured that desperate and mischievous as Holt* and his outstanding banditti have proved themselves, all their threats and promises have not succeeded in producing any accession to their numbers amongst the repentant inhabitants of the Co. Wicklow for the last six weeks.

SECRETARY NEPEAN TO MAJOR-GENERAL BOWATER.†

5 Sept.
A soldier sentenced to serve in the N.S.W. Corps.

Sir,

5th September, 1798.

I am comm'd by my Lords Comm'rs of the Adm'ty to signify their direction to you to send the man sentenced‡ to serve in the New South Wales Corps by the first opportunity to the Division at Portsmouth, and to apply to Adm'l Sir Richard King for a passage. I am, &c., E.N.

Memo. by Secretary Nepean :—"Adm'l Sir Rich'd King, Plymouth, to order him a passage."—E.N.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

7 Sept.
Expenses of maintaining the colony.

My Lord Duke,

Sydney, New South Wales,

7th September, 1798.

As it has appeared to me that the nature and cause of the expences of this colony has not been so clearly and fully explained to your Grace as I could have wished, and that the Commissary's vouchers for the expenditure of the different sums occasionally

* Holt surrendered in Ireland on the 10th November, 1798, and was respited from the death penalty conditionally on transportation to New South Wales. On a free pardon being subsequently granted to him, he returned to Ireland and died at Kingstown on the 16th May, 1826. See Croker's *Memoirs of Joseph Holt*, vol. i, preface, p. xiv.

† Major-General Bowater commanded the Plymouth Division of Marines.

‡ Ante, p. 298; post, p. 519.

drawn for have not been so thoroughly investigated as it would be pleasing to me they should be, I have endeavored to comprize this necessary information within as narrow limits as it can be done, that your Grace may have very little trouble in gaining that knowledge upon this subject which I am particularly solicitous you should possess.

I cannot help being of opinion, my Lord, that some pains have been taken to make it appear to Government that Norfolk Island is of little or no expence to the Crown, and to cast the odium of general expences of this territory upon New South Wales only. To shew the fallacy of such opinion, I have myself extracted from the Commissary's books (which I will venture to assert were never so correctly kept as since my arrival in this colony) the particulars contained in the enclosed paper,* and I trust that this simple and fair statement will prove to your Grace's satisfaction that, after all that has been said or imagined of the importance of that island, its expences are considerable, and in every respect as much as the same number of people would cost the Crown in this colony. When I assert this, my Lord, I mean not to insinuate anything to the disadvantage of the management on Norfolk Island. I know no officer who is more capable or possesses more zeal and integrity than Lieut.-Governor King, who commanded there with so much credit to himself and satisfaction to me; but I can never admit opinions so extremely erroneous to go forth as that the expences of Norfolk Island are trifling and those of this colony enormous.

It happens convenient enough for the commanding officer there that those expences do not appear in bills under his name, but are ordered to be defrayed by the Governor-in-Chief, and consequently become too much blended with his concerns.

I will take this opportunity to request information relative to the number of superintendents and storekeepers allowed, and to point out by the enclosed list† how that description of persons is employed. Your Grace will observe that if all the master mechanics are meant to be reckoned in the number of superintendents, together with such of those inferior appointments as are found requisite to be employed in the Commissary Department, that there will be but very few left for superintending the agriculture, and not one to look after the Government live stock. The numbers now allowed are the same as formerly, viz., twelve superintendents, and the late addition of three storekeepers. As I am desirous of keeping strictly within the number allowed, I could wish to know if the whole of the master mechanics come within the description of superintendents of convicts.

I have, &c.,

JNO. HUNTER.

* Enclosure No. 1.

† Enclosure No. 2.

1798

7 Sept.

Norfolk
Island.

Cost of
maintaining
convicts at
Norfolk
Island.

Superinten-
dents and
store-
keepers.

1798

[Enclosure No. 1.]

7 Sept.

EXPENDITURE, 1ST SEPTEMBER, 1796, TO 30TH JUNE, 1798.

Expendi-
ture.

A CONCISE Account of the Expences incurred in ye Settltⁿ in N.S. Wales between the 1st of September, 1796, and 30th of June, 1798, making about 1 year and $\frac{3}{4}$, and for which bills must be drawn by the Governor upon the Lords of the Treasury:—

Population.

The whole number in the colony are near about ... 5,000 people
Of that number are victual'd by Government:—

Men	...	1,911
Women	...	771
Children	...	680

Company's, his Maj's ships and Colonial schooner ... 173

Whole number victual'd by diff't rations ... 3,535

Making in all, full rations ... 2,911

EXPENCES.

Cost of
stores and
labour.

Paid for grain and swine's flesh between 1st Sept'r, 1796, and 30th June, 1798	£	s.	d.
Do. wages of superintend'ts and storekeepers, which will be repaid into the Treasury by the agent for the colony	1,178	11	9
Do. wages of the crew of the Colonial schooner	432	14	9
Do. for hir'd artificers during the above time, unavoidably employ'd in making tools of agriculture and other works, but who are now most of them discharged	1,416	0	3
Stores purchased of various kinds, and from real necessity	1,917	13	4
Rum purchased for the various necessities of Government	700	0	0

Amount of the sum expended between the above periods ... £34,822 1 4

These sums are exclusive of grain raised by Government, of which the quantity grown last year on the public account would nearly defray the expence of the whole civil establishment.

Norfolk
Island.

NORFOLK ISLAND, ONE YEAR AND HALF.

A CONCISE Account of the Expence incurr'd on this Island between 18th October, 1796, and 28th of April, 1798, and for which bills must be drawn by the Governor-in-Chief:—

The whole number of people on the island are about 890, of which number are victual'd by Government: Men, women, and children, 500 full R.

Stores and
wages.

Paid for grain and swine's flesh, between 18th Octr., 1796, and 28th of April, 1798	£	s.	d.
Wheat sent from Port Jackson	8,507	4	6
Wages paid to the free men employ'd by the commanding officers for navigating the deck'd boat to Port Jackson	1,115	0	0

£9,669 0 6

Exclusive of a part of what stores may be purchased here, and of a number of Norfolk Island bills which are now in circulation in this colony upon the island, which, when presented to the Commissary, must be consolidated by bills on the Treasury.*

* Note by Governor Hunter:—It would appear by these comparative statements that Norfolk Island, in proportion to its numbers, was attended with more expence than this settlement; but that cannot be. They must be nearly equal. The difference, as it appears here, proceeds from our issuing salt provision here, which is not taken into the estimate, whereas the whole of the animal food serv'd there is purchas'd on the spot and paid for there.

SUPERINTENDENTS.

479

[Enclosure No. 2.]

1798

SUPERINTENDENTS IN HIS MAJESTY'S TERRITORY CALLED NEW SOUTH WALES—1798.

Superintendents at Sydney.

- Philip Divine, superintends the town labour of Sydney.
- W. Broady, master blacksmith, at Sydney.
- J. Bloodworth, master bricklayer, at Sydney.
- J. Livingston, master carpenter, at Parramatta.
- Geo. Barrington, superintends the dutys of the constables and takes care that they duly attend to the orders of the civil police.
- W. Stevenson, storekeeper, at Sydney.
- W. Broughton, storekeeper, at Parramatta.
- W. Baker, storekeeper, at the Hawkesbury.
- J. Jamison, has the care of receiving and issuing the grain at Parramatta and Toongabbee, under the immediate direction of the Commissary.
- R. Fitzgerald, superintends the Government agricultural concerns at Toongabbee and Parramatta.

NORFOLK ISLAND.

Officers at Norfolk Island.

- W. N. Chapman, storekeeper.
- M. Timms, superintendent of agriculture.
- N. Lucas, master carpenter.
- J. Drummond, attendant beach-master.

By this distribution it will appear that although the public service and the live stock becomes very considerable, we have no person to look after them in particular who should be appointed to that trust.

PETER RASHLEIGH TO _____* (Banks Papers.)

Sir, Southfleet, near Gravesend, 7th Sept., 1798.

I am very sorry that my absence from home on some business in Essex should have prevented my receiving your letter till this instant on my return. The box made according to your directions on your card I have filled with hop plants. It is large and heavy from the quantity of earth it contains, but as you only requested one I did not get more. I followed your directions as near as possible in placing in the middle some strong plants which had taken root, and around them some cuttings of the last year, all of which are growing ; but they have been a little affected by the blight, tho' I believe not at all to injure the plants. I will now follow any directions you will give me as to their conveyance, and will send them in my cart to Gravesend whenever you please

Plants for New South Wales.

* This letter and the one which follows were apparently sent to Lieutenant-Governor King. The box containing the plants was intended to be placed on board H.M.S. Porpoise.

1798
7 Sept.

to order them. It will give me particular pleasure to be honoured with your company at Southfleet whenever it may suit your convenience.

I shall be absent from home on Wednesday and Thursday next, but on any other day I hope you will take a family dinner and a bed.

I am, &c.,

PETER RASHLEIGH.

PETER RASHLEIGH TO ———* (Banks Papers.)

Sir, Southfleet, near Gravesend.

Transporta-
tion of
plants.

In answer to your letter of yesterday, I send you the exact dimensions of the box measured from out to out—3 feet 2 inches long, 2 feet 1 inch high, and 1 foot 8½ inches broad. The box contains in the middle three plants at equal distances, and on each side four cuttings, which were put in with the rooted plants in the spring, and which are now all growing, and have made good roots.

Whenever you will inform me of the ship's arrival at Long Reach or Gravesend, I will take care that the box shall be sent to either place, and which I can do with equal convenience, as the distance from my house to Gravesend and Greenhithe is nearly equal.

Sir Joseph
Banks.

As it will give me particular pleasure to be of any use in this business to yourself or the colony, I beg you to present my compliments to Sir Josh. Banks, and say that I shall be very happy to be honoured with any commands that you or he may have.

Perhaps he will wish to have a few more plants, which will now remove well, for the purpose of placing them as you mentioned in the pots. If so, I can send them when carefully taken up in a box with moss or otherwise, as you or Sir Joseph shall direct, and they may be sent to town in a Gravesend boat in a few hours after their removal.

I am, &c.,

PETER RASHLEIGH.

LORD CASTLEREAGH TO UNDER SECRETARY KING.

8 Sept.

Sir, Dublin Castle, 8th September, 1798.

Convoing a
transport
vessel.

By the charter-party of the *Minerva*, convict ship, now in the harbour of Cork, she is to be convoyed to the lat. 28° 0' N., and 18° 0' West. Upon application being made to Admiral Kingsmill respecting this convoy, he said he had not received any directions upon the subject. I therefore request you will take the necessary measures for causing instructions to be sent as soon as possible to Admiral Kingsmill to afford convoy to the *Minerva*, otherwise she must be detained at a considerable expence for demurrage.

* This letter is not dated, but evidently has reference to the transportation of plants per H.M.S. Porpoise. As stated in the footnote to the preceding letter, it was apparently addressed to Lieutenant-Governor King.

There are a considerable number of prisoners now in this kingdom under sentence of transportation to New South Wales for being concerned in the Rebellion. The Lord Lieutenant requests that a ship may be engaged to take between two and three hundred of those convicts from the harbour of Waterford, and you will be so good as to acquaint me at what time such vessel may be expected, that preparations may be made for embarking the prisoners on her arrival.

1798
8 Sept.
Irish
prisoners.

I have, &c.,

CASTLEREAGH.

LIEUT.-GOVERNOR KING TO SIR JOSEPH BANKS. (Banks Papers.)

Sir, Whitehall, 9th September, 1798. 9 Sept.

I saw Mr. King* this morning with Mr. Parke,† and delivered him your letter, but the arrival of a Jamaica mail has made our visit very short. Your letter to Mr. King specifying what you wished Mr. Parke's salary to be could not be found. Mr. King said perhaps it might be six or ten shillings per diem, he could not tell which, but seemed disposed to allow the highest; therefore, for want of that document, nothing could be done on this head; but if Lady Banks will have the goodness to inform me what the sum was, I shall be armed with that information, and will again call respecting it. The information I have promised for Mr. P. is that his salary will commence from the time of his embarking on b'd the Porpoise, and his salary is to be drawn for yearly or half-yearly by the Governor. I communicated to Mr. Parke, but he was not then arrived, what Mr. King said respecting the 10/- per diem, which he seems to think too small a sum. I sincerely hope for your speedy re-establishment.

An inter-
view.

An officer's
salary.

I am, &c.,

PHILIP GIDLEY KING.

Memo. by Sir Joseph Banks:—Sent a copy of the paragraph respecting Parke's pay to John King and to the Governor, September 11.

J. SHORTLAND, JUN.,‡ TO J. SHORTLAND, SEN.

H.M.S. Reliance, Sydney Cove, Port Jackson,

My Dear Father, 10th September, 1798. 10 Sept.

About a twelvemonth since I went on an expedition in the Governor's whaleboat as far as Port Stephens, which lies 100 miles to the northward of this place. In my passage down I discovered a very fine coal river, which I named after Governor Hunter. The enclosed I send you, being an eye-sketch which I

Discovery of
Hunter's
River.

* John King, Under Secretary in the Home Department.

† Evidently Mungo Park, the celebrated African traveller. See Sir Joseph Banks's letter of 18th May, 1798, ante, p. 382, and the Duke of Portland's letter to Governor Hunter of 18th September, 1798, post, p. 491.

‡ A sketch of the life of John Shortland, jun., will be found in the *Naval Chronicle*, vol. cxiv.

1798 took the little time I was there.* Vessels from 60 to 250 tons may
10 Sept. load there with great ease, and completely landlocked. I dare
say, in a little time, this river will be a great acquisition to this
settlement. The short time I remained at this river we had rain,
which prevented my doing so much as I otherwise should.

J. SHORTLAND.

UNDER SECRETARY KING TO LORD CASTLEREAGH.

11 Sept. My Lord, Whitehall, 11th September, 1798.
Referring your Lordship to my letter of the 24th July last,
in which I enclosed an extract of one to the Duke of Portland
from the Governor of New South Wales, who, after stating the
inconveniences which had arisen from the Irish convicts being sent
out to that settlement in the ship Britannia unaccompanied with
lists of the terms of their transportation, mentions the sickly con-
dition in which those convicts had arrived. I am now directed by
his Grace to enclose to you the within extract of a letter from
Governor Hunter, and also extract of a letter from the chief
surgeon of the settlement, recommending a particular account of
the surgeon's treatment of the sick on their voyage from Europe,
and of the expenditure of necessaries, &c., to be regularly delivered
by him;† and I am to desire that you will submit it to his Excy.
the Lord-Lieutenant of Ireland, to be pleased to give directions
that the surgeon now going out in the Minerva with convicts from
that kingdom, and every surgeon that may hereafter be employed
upon a similar service, should receive the most positive instructions
strictly to adhere thereto, and to deliver one report thereof to the
Governor of New South Wales on his arrival there, and a duplicate
thereof on the return of the vessel to Europe, to be laid before
his Excellency, in order that the manner in which the convicts
have been treated during the voyage may distinctly appear.

Lists of
convicts'
sentences.

Medical
attendance
for convicts.

I have, &c.,

J. KING.

Enclosures.

[Enclosure.]

1. Extract of Hunter to Portland, 14 August, 1797, beginning,
"I have just received the enclosed letter from Mr. Balmain"
" to "surgeons should, with their
appointments, receive instructions for this purpose." Ante, pp.
284, 285.

2. Extract of Balmain to Hunter, 14 August, 1797, beginning
" "It may be proper here to observe that it seldom
happens any particular account of the surgeons' treatment"
" to "so highly necessary for economy, as
well as for the diseased individual." Ante, p. 285.

* Lieutenant Shortland's sketch is missing.

† This letter from Mr. Surgeon Balmain to Governor Hunter is given in full on p. 285, ante.

JUDGE-ADVOCATE DORE TO UNDER SECRETARY KING.

1798

Sir, Sydney, New South Wales, 12th September, 1798.

12 Sept.

I have the honor to inform you of my safe arrival in this territory on the eighteenth day of May last, when I entered upon my office as Judge-Advocate, an appointment which I find every day grows more and more weighty in its duties, and embraces a variety of important concerns. One great source of inconvenience is the scarcity of paper, stationary, &c., in this colony, and I understand that there is no more than twenty pounds a year allowed here for this article, which is widely disproportionate to the consumption. In the various Courts of Jurisdiction occasionally held here, such as Vice-Admiralty, Civil, and Criminal, a considerable quantity of paper is used, and I should scarcely conceive that twenty pounds a year would furnish the Governor for his own occasions, independent of the usual business of the colony. I can speak with greater confidence on this subject, having been appointed by the Governor his Excellency's secretary.* Indeed, so scarce has paper been of late that the Commissary has actually purchased some of a very inferior quality at upwards of one hundred p. cent. advance. I will request of you to represent this to his Grace of Portland, who, I have no doubt, will direct a supply for my office. It is also necessary for me to be furnished with parchment for convictions, records, writs, recognizances, &c., &c.; books of various sizes for entering proceedings in, together with every article of stationary. Some practical law-books will also be necessary for my information in general matters of business, particularly such as relate to the official duties of a proctor, attorney, notary public, &c., civil magistracy, and a general system of professional instructions, in which the practical points are more my object than any theoretical essays, and a continuation of the statutes at large down to the latest period. With the greatest respect, &c.,

Duties of
Judge-
Advocate.

Stationery.

Law-books.

RICH. DORE.

P.S.—When Mrs. Dore takes her departure for this territory with her little family, I hope and trust you will have the goodness to take care that they have every accommodation and comfort that can be afforded them. For myself, I am free to confess that I wish for nothing so much as the society of my family, and I shall ever think myself particularly obliged by any attention you may shew them on the occasion.

Mrs. Dore.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord Duke,

12th September, 1798.

Your Grace will receive by this opportunity letters and papers from Mr. Geo. Bond, late an ensign in the New South Wales Corps, who, having been implicated in a suppos'd conspiracy

Ensign
Bond.

* Ante, pp. 390, 407; post, p. 548.

1796 on board the *Barwell* upon her voyage hither, the master of the said ship persisted in a desire to try those who had been accus'd and confin'd on the passage, by the approbation of his officers, whom he regularly conven'd for the purpose of taking their sense of the measures necessary to be taken on the occasion.

12 Sept.

The Vice-Admiralty Court assembled.

The various complaints which have been made here of the same nature, and the recent success of a similar conspiracy in the loss of the ship *Lady Shore*, bound hither, induc'd me to assemble a Court of Vice-Admiralty, that it might be known such a Court could be held in this colony.

A counter-charge.

The prisoners were acquitted, as will be seen by the proceedings which have been forwarded to Sir Jas. Marriot.* The above Mr. George Bond is advis'd and seems anxious to commence a prosecution against the commander of the ship for what he calls crueltys, and complains of the want of justice, because I do not consider it proper to detain the *Barwell* until another Court can be conven'd, that ship being now under weigh on her departure from this territory. Indeed, my Lord, I cannot help feeling the dignity of my situation much insulted by the illiberal insinuations made use of in Mr. Bond's letter sent herewith,† to say nothing of the reflections it teems with against the Court of jurisdiction here, to support which has ever been my principle, and I can never depart from it.

Ensign Bond allowed to relinquish his Commission.

Mr. Bond came here under an arrest of Ensign Bayly, his superior officer, but at the interposition of Major Foveaux, commanding officer, and the general wish of the corps, I suffer'd the Court-martial for which I had issued my letter to be relinquish'd on the express condition propos'd by the major of Mr. Bond's giving up his Commission and returning to England by the first ship.‡ Coming here thus degraded and charg'd with offences of so serious a description, I may have reason to regret that I listen'd to Major Foveaux's interposition in behalf of a man whom I am sorry to say has not answer'd my expectations, and I hope upon any future occasion the greatest circumspection and caution will be used in discovering the characters of those who may be sent out in any capacity to this territory.

I have, &c.,

JNO. HUNTER.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.
(Banks Papers.)

13 Sept.

Sir,

Blackheath Hill, 13th September, 1798.

I received your letter on my return home yesterday evening, and the heavy rain has prevented my going to town to-day, which

* See the proceedings of the Vice-Admiralty Court.—Ante p. 453.

† Mr. Bond's letter is missing.

‡ The Secretary of State censured Hunter for thus allowing Ensign Bond to relinquish his Commission in the face of the serious charges made against him. See the Duke of Portland's letter to Governor Hunter of 5th November, 1798, post, p. 737.

would have answered no material purpose, as Mr. King went out of town yesterday morning, after having answered your note, before I saw him. Your note was shown to me by Mr. Moss, who told me Mr. K. had answered it; and, at the same time, showed me a letter, which was going for the Duke's signature, fixing the salary* at 10s. per diem, and three months advance, the other points, as to mode of payment, as before stated. On referring to your note, I persuaded Moss not to send it yesterday for the Duke's signature, until your answer was received to Mr. King's note, the contents of which Mr. Moss was against. Should the weather be good to-morrow, I shall go to town and see Parke and Mr. Moss on the business, and get it compleated, as Mr. King does not return till the middle of next week.

1798

13 Sept.

The salary of Mungo Park.

The master of the Porpoise thinks that, as far as depends on him, the Porpoise will be ready to leave Long Reach in about three weeks from this time. Sooter [Suttor] will go down to Gravesend for the moss on Monday next, when the tide will suit for his going and returning. I enclose you Mr. Rashleigh's letter,† as also one‡ I found among my papers from Col. Lloyd to Captain Bowen, respecting the mode of watering plants at sea, for your approbation. I beg to congratulate you on Ld. Cornwallis's success, and on your recovery of the use of your hand. Should it be in my power to execute any commands you may have in town, I shall be proud of the office. I shall do myself the pleasure of writing to you on Saturday, after I have seen the partys. I am, &c.,

Equipment of the Porpoise.

PHILIP GIDLEY KING.

I have opened this letter again to say that Mr. Rashleigh has just called on me. He describes the box to be of such a size that it will not be possible to remove it from the place where it is. That being the case, I must submit to you how far it will be proper for Sooter to carry some pots to Gravesend, to remove the plants into, as the middle ones, Mr. Rashleigh informs me, can be taken up with large balls of earth. I have desired Sooter [Suttor] to ask your commands on that head on Saturday next. The Rev'd Mr. Rashleigh, who was a fellow-Etonian with you, desires me to present his respects.

Size of the plant-box.

P.G.K.

A LETTER FROM SYDNEY.§

Port Jackson, 14th September, 1798.

14 Sept.

My goats and sheep, my cows and horses, continue to increase with rapidity. During this year I shall kill of my flocks weekly for my table. My servants, the convicts, are in number twenty-six, and my weekly consumption of provisions necessarily great.

Increase of live stock.

* This refers to the salary proposed to allow Mungo Park during his intended explorations in Australia.—Ante, pp. 383, 431.

† See ante, p. 479.

‡ This enclosure is missing.

§ Supposed to have been written by the Rev. S. Marsden.

- 1798 The convicts, after labouring six hours* at the public works at
14 Sept. the barracks, the formation of high roads, or burning bricks, are
Labour of hired by the honest settler, or estates-men, during the other part
convicts. of the days, to toil for wages; the pay is a mode of barter, and is
 given in rum—without which the dissipated, indolent convict can-
 not be excited to exertions—in sugar, and in tea, the necessaries
 and the comforts of the infant society. Money, as in the early stage
 of American plantations, is of infrequent use and depreciated value.
- The traders For the China traders, though obliged by an Act of the British
to China. Parliament to touch at New South Wales during the voyage,
 finding the loss of time during the voyage to China to be of less
 importance than during their return with a full cargo from the
 land of tea to the market of Europe, arrived at Sydney with tea
 or rum from Bengal, and by these means the articles are loaded
 with the duties of India and the expenses of two voyages. During
 a late season few ships imported these articles of traffic and of life;
 they arose to a price incredible in Europe—rum to several guineas a
 gallon, one pound of tea to two guineas, of sugar to twelve shillings.
- Circum- Yet, under all these incidental disappointments and occasional
stances of distresses, the convicts lead a happier life than the labouring poor
the convicts. in Europe. The warmth of the climate renders clothing no con-
 siderable object. The sun in the long summer of our hemisphere
 is absolutely hot; the consequent fructification is abundant and
 never-failing. Successive crops of vegetables are raised in the
 stubble of the new-shorn wheat.
- Agriculture. The wheat harvest is highly exuberant. I have shorn from
 1,000 to 1,200 bushels, an ample supply for my numerous establish-
 ment, and an object of public sale. My neighbour, Captain —,
 returning to England to bring his lady and family to settle, sold
 stock to the sum of £2,600, and retained his large cultivated
 estate. Six hundred settlements, or farms, adorn the banks of
 the Hawkesbury. A race of respectable neighbours is rising
 and annually increasing by the importation from Great Britain of
 honest planters, and by the reformation and aggrandisement of the
 industrious convicts. At Parramatta the inhabitants are computed
 at two, in Sydney at four thousand. The river and the country
 supply these towns.
- The popula- Norfolk Island has arrived at a state yet more flourishing, as
tion. the air is more soft and the soil inexpressibly productive. It is
 a perfect image of Paradise. Our officers and their ladies, while
 they never regret their absence from Old England, were sensibly
 affected at their departure from this insular garden, and at their
 banishment to Sydney. There the annual harvest of wheat is
 double. There the limes are so exuberant that the Governor from
 the same tree plucked sixteen pecks of ripe, and left upon it a
- Norfolk Island.

* The hours of convict labour, as fixed by General Orders, will be found on pp. 61, 384, and 416, ante.

greater proportion of green fruit. Pomegranates, melons, figs, and the sugar-cane are there equally prolific. Though its circumference be merely seven leagues, or twenty-eight miles, it contained 1,200 settlers, or reformed farmers, and enjoys a state of cultivation equal to the West India Islands. 1798
14 Sept.

The moral and religious state of the colony advances. At the opening of the wooden temple of Parramatta* twelve hearers only assembled. Hunter, the Governor, attends divine service. The convicts are marched in long lines to the church. The inferior officers, imprudently, are absentees. The influence of so wretched an example is not necessary to increase the corrupt style of the public manners. Their private lives and bold concubinage with the female convicts retard the progress of good morals. Were officers more aged, and married, appointed to this foreign staff, brighter hopes of universal reformation would be afforded. The Commissary is a regular attendant; his lady a pious character. The seventeen missionaries, emigrants, and fugitives from Otaheite, are here resolved to settle, and to accelerate the improvement of the Colonial manners by public instruction and domestic example, by manual industry, and by their labors in the service of virtue. They are sanguine in their high expectations of success; their field of activity is large, and in the present contest with hardened vice the champions of morality are too few to stem the torrent. Governor King, the successor of Hunter,† gave a pledge of his future moral government of our new world by the reform which he worked and by the establishment he formed in Norfolk Island. From his exertions, and his chaplain's and schoolmaster's excellent conduct, superior effects may be produced; as they are extremely desirable in such a settlement and such an abandoned society, annually importing a collection of thieves and drunkards and banditti to revise the obsolete, and to teach the old convicts the new and more fashionable habits of vice in a capital the most impure of the cities in Europe. Religion.
Morals of inferior officers.
Missionaries.
King's character.

GOVERNMENT AND GENERAL ORDER.

17th September, 1798.

17 Sept.

Parole—Russia.

Countersign—Tartary.

THE Governor, desirous of affording every possible encouragement in his power to the rearing of hogs in this colony, as well as of every other kind of stock, a circumstance which cannot fail of proving not only a public benefit, but highly to the advantage of those who devote a part of their time to this useful purpose, and which, from the now advanced state of the private farms, may be Rearing live stock.

* Built upon the site where St John's Church now stands.

† It is evident from this that even so early as September, 1798 (many months before King sailed from England), it was generally known that he was to relieve Hunter.

1798
17 Sept. done with far less trouble and expence than formerly. In addition to that information which the Commissary was some time past directed to give, the settlers and all others who apply a part of their time to this useful and advantageous purpose are given to understand that when any individual shall have prepared a number of such animals for the reception of the public store, they make the same known to the Commissary, who, in order to prevent any unnecessary extra expence to the feeder, will give immediate notice of the day and place where he will receive it. The Commissary is also at liberty to enter into an agreement or contract for a certain length of time, and on such conditions as may be agreed upon, with any person who will engage to furnish the public store either at Sydney, Parramatta, or Hawkesbury, with any certain quantity at stated periods.

The supply of meat for Government stores.

JNO. HUNTER.

LORD CASTLEREAGH TO UNDER SECRETARY KING.

18 Sept. Sir, Dublin Castle, 18th September, 1798.

Convicts per Britannia. I have received the honor of your letter of the 11th of September,* with extracts of letters from the Governor of New South Wales, relative to the convicts sent from this kingdom in the ship Britannia.

Medical attendance on convicts. Particular instructions shall be given to the surgeon now going out with the convicts in the Minerva to keep a regular account of his treatment of the sick on the voyage and of the expenditure of the hospital stores put on board for their use by Government, to deliver reports of the same to the Governor on his arrival in New South Wales, and to transmit a duplicate thereof by the Minerva on her return to Europe. Care will be taken to give the like instructions on future occasions.

Mr. Beyer. I beg leave to observe that the person appointed here to go out as surgeon to the convicts in the Britannia declined to proceed on the voyage just as the vessel was ready to sail, and the business was undertaken by a Mr. Beyer, who came from England to Cork in that ship, and who, it was represented, had gone two voyages to Port Jackson with convicts with great success.

Lists of convicts. With respect to the lists of convicts ship'd, the agent at Cork for the embarkation reported that a correct list had been given in charge to the master of the Britannia, to be delivered to the Governor of New South Wales, and it is understood that lists were regularly delivered to the respective masters of vessels with all the convicts sent from this kingdom. Copies of those lists will, however, be forwarded to the Governor by the Minerva, and duplicates of them sent to you.

I have, &c.,

CASTLEREAGH.

* Ante, p. 462.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

1798

Sir,

Whitehall, 18th September, 1798.

18 Sept.

I have laid before the King your letters of the numbers and dates mentioned in the margin,* and shall proceed to make such observations upon them, and to give you such further directions, as they appear to me to require. In doing this I am happy to find that I have already (particularly in my letters of the 2nd of March† and 30th and 31st August, 1797†) anticipated in a great measure those instructions which the want of order, regularity, and discipline in the settlement so loudly call for, and require to be strictly enforced. I very much approve of the measures you have already taken for enforcing obedience from all persons, civil or military, to such Public Orders as have been issued for the establishment of uniformity, regularity, and good order within the settlement, and you may depend on receiving the most decided countenance from his Majesty's Government in support of your exertions to promote these valuable objects, the maintenance of which can be nowhere more necessary than in the situation in which you have the honour to be placed.

Hunter's correspondence.

His Public Orders.

With respect to the commission of crimes of a more heinous nature, such as murder and robbery, as they must be committed by the most lost and abandoned part of the colony, they, I fear, can only be repressed by a sense of the certainty of the punishment that awaits them. It is with this view, as well as with the desire of giving the least possible scope to the commission of such enormities, that I acquaint you with my entire approbation of the system of police which you are about to establish on the principle of dividing the settlement into districts, with proper wardens, constables, and magistrates over each. The more frequently the reports are made by the subordinate officers to the wardens or magistrates of the districts, and by such magistrates to yourself, the better. I think the reports to the first should be made daily, and the most distant districts should report at least weekly to yourself, exclusive of those occasions which require an immediate representation to the Governor.

Punishment of criminals.

Police reports.

By these means your system will operate to the establishment of future order and regularity, and will at the same time enable you the better to apprehend and bring to speedy justice those who are guilty of the heinous crimes above mentioned, and who, not being deterred by the magnitude of the offences they committed, are little likely to be influenced by the severity of punishment to reform or amend a conduct which is become so habitual to them.

* Separate—12th Nov., 1796—Ante, p. 166. No. 22—12th Nov., 1796—Ante, p. 174. Separate—15th Nov., 1796 (missing). No. 23—18th Nov., 1796—Ante, p. 180. No. 24—1st Decr., 1796—Ante, p. 183. No. 25—10th June, 1797—Ante, p. 214. No. 26—20th June, 1797—Ante, p. 223. No. 27—25th June, 1797—Ante, p. 231. No. 28—6th July—Ante, p. 233. Separate—6th July, 1797—Ante, p. 277. No. 29—14th August, 1797—Ante, p. 284.

† Ante, p. 195.

‡ Ante, pp. 291, 293.

- 1798
18 Sept.
Officers
engaged in
trade.
- I must next advert to the evils which you represent as arising from the speculation and traffic in grain, live stock, and spirits, into which the officers of the Government, and particularly those in the Military Department, have entered, contrary, as you very properly observe, to the nature of their institution and the duties annexed to it. The instructions you have already received having limited the number of convicts to be allowed to any officers in the manner therein mentioned, had they been duly executed, could not but have gone a great way, if not entirely, to cure this evil as far as it relates to grain and live stock, because the public stock would have been already so very much increased as not to have left any improper temptation to this species of traffic. With respect to the sale of spirits, it is certainly in your power, as well as it is your duty, to prohibit, by the most positive orders, all officers of Government, civil or military, from selling any spirituous liquors to the convicts or settlers.
- Hunter's
powers and
duty.
- Supplies.
- With respect to the requisition you have made for sending articles of clothing, stores, and other necessaries for the use of the settlement, I must refer you to the very ample supplies which have been sent out in the Buffalo and Barwell, and which contain, not merely the articles you have asked for, but every other which can tend to the benefit and improvement of the colony. Such of those as are not wanted for the convicts you will find you are instructed to dispose of to the inhabitants at the prices affixed to them in return for grain and live stock for the public stores.
- Prices.
- There is only one thing more which it occurs to me to observe on this point, which is, that in the list of articles to be so disposed of the prime cost to Government is only specified as *meant* to be taken, whereas, considering the expence incurred by the public in the transport of those articles, it is but reasonable that you should on their arrival lay an addition of ten or fifteen per cent. on the original price, notwithstanding what I have heretofore stated in my letter of the 18th May last.
- John
Boston.
- I am sorry to find, from what you state relative to the curing of fish, that it is a resource from which the settlement is not likely to derive any considerable advantage.
- Should Mr. Boston,* or any other person sent out at the public expence with a view of benefiting the colony, be found to be a charge on the settlement, without a reasonable prospect of any advantage resulting from his remaining in it, you may give him the option of returning to Europe, or remaining in the colony as a settler only.
- Captain
Johnston.
- I am very glad to find that you have received considerable assistance from Captain Johnston, the present commander of the New South Wales Corps, and at your request I have recommended

* John Boston was sent out in the *Surprize* in 1794 for the purpose of curing fish.—*Vol. ii*, p. 225, and ante, p. 234.

his son to his Royal Highness the Duke of York, whose condescension, I am convinced, will dispose him to take notice of the young man. 1798
18 Sept.

Although you are inclined to think that pork cannot be cured in Norfolk Island with salt only, I am, nevertheless, of opinion that the experiment should be made at the most favourable time of the year, because, from the large quantity of pork there, it is clear that in making the experiment the risque is but small, and the advantage, if it succeeds, will be comparatively great. Curing pork.

In consequence of what you state relative to the sickly condition of the Irish convicts who came out in the *Britannia*, I have ordered that the instructions suggested by Mr. Balmain shall be strictly complied with by all surgeons going with convicts to New South Wales, by which I trust convicts will be secured in future from suffering either by neglect or ill-treatment. I have also directed a letter, of which an extract is inclosed, to be written to the Lord Lieutenant of Ireland, in order that copies of the sentences and terms of transportation of such Irish convicts as have been sent to New South Wales may be forwarded by the *Minerva*, transport, and that similar copies may accompany all such convicts as shall be sent thither from that kingdom in future.* Transportation of convicts.

It is with great regret I observe the loss which has been sustained by the Crown and individuals in consequence of the grass or herbage of the country being set fire to by the natives.

In order to remedy so alarming an evil in future, it occurs to me that it will be proper to oblige all persons holding farms adjoining to the waste and uncultivated lands to keep plowed up so much thereof, between the cultivated parts and the waste, as shall be judged sufficient to stop the progress of the fire from the latter. It will also be highly proper to take the same precaution with regard to all lands belonging to the Crown, and, in addition thereto, to make a wide trench or ditch where the situation will allow of it. Prevention of bush-fires.

Having now taken notice of such parts of your dispatches as appear particularly to require it, I proceed to inform you that the *Porpoise*, by which you will receive this dispatch, carries out the articles contained in the inclosed lists,† with 116,160 pounds of pork, for the use of the settlement. There will also take their passage in this vessel the several persons mentioned in the margin.‡ The *Porpoise*.

The object proposed by Government in sending Mr. Park to New South Wales, whose perseverance in penetrating into the interior parts of Africa pointed him out on this occasion, is to obtain such further knowledge, both of the coast and interior part Mungo Park.

* Ante, p. 418.

† These lists are missing.

‡ Lieut.-Governor King and family, Mr. Commissary Palmer and family, Mr. E. Stamford and family, Mr. Sutton and family, Mr. Mungo Park, Edwd. Wise (weaver) and family, Sutor (gardener) and wife, and John Gearish, assistant to the gardener. The *Porpoise* was subsequently found to be unsuitable for the voyage, and the passengers embarked, some on the vessel purchased to replace the old *Porpoise*, and some on the *Speedy*.—Post, p. 723.

1798 of New South Wales, as may be expected from a person of his
18 Sept. judgement, resolution, and experience.

The instructions he has received for this purpose he will be directed to communicate to you on his arrival, and I am persuaded you will use every means in your power to enable him to carry them into execution.

Sir Joseph Banks. That you may be the more thoroughly informed of the motives which induced his Majesty's Government to send Mr. Park to New South Wales, I inclose you a copy of a letter from Sir Joseph Banks on this subject, and on that of the gardener who accompanies the hops and other useful plants which have been selected by Sir Joseph for the use of the settlement.*

Besides the several stores sent out in the Porpoise you will receive by the Minerva, transport, which carries out convicts from Ireland, the further articles mentioned in the inclosed list.†

The weaving industry. You cannot fail to observe with gratitude and satisfaction the attention with which you have been furnished with the means necessary to enable you to make a rapid progress in the weaving of coarse linen for the use of the settlement by sending you every article necessary for immediately setting up a number of looms, together with a master-weaver to superintend them and to instruct such persons as you shall put under his direction.

The weaver. As I have heretofore advised you of its being the intention of Government to send out a master-weaver with the looms and articles for weaving, I hope you will be prepared for him, and that you will be enabled to furnish him with a sufficient quantity of materials and of persons selected for weaving and spinning immediately on his arrival.

His salary. The salary of Mr. Edward Wise, you will perceive by the inclosed copy‡ of the agreement which has been made with him, is £80 a year from the time of his embarkation, and you will draw upon the Lords Commissioners of the Treasury for that sum as it shall become due.

I am, &c.,

PORTLAND.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,
25th September, 1798.

25 Sept. My Lord Duke,
Shipping.

I take the opportunity of an American schooner, who is about to leave this port, and who it is probable may forward letters to England some months sooner than the Barwell,§ which

* The enclosures are not available, but apparently the letter of Sir Joseph Banks concerning Mr. Mungo Park is that printed on pp. 382, 383, ante. Mungo Park did not, for reasons which are now unknown, sail in the Porpoise.

† The list referred to is missing.

‡ The copy of the agreement is missing. Wise was lost overboard on the voyage of the Speedy from the Cape, on 14th March, 1800.

§ The Barwell returned to England via China.

sail'd from hence on the 16th instant, and by which I forwarded my dispatches, to observe to your Grace with real concern that the very flattering prospect of ample crops, which I saw with so much satisfaction, and had every reason to expect wou'd have furnish'd a supply of wheat for at least twenty months to come, exclusive of considerable crops of maize, is at present in a very precarious state from an uncommon and tedious drought, attended with very sultry weather,* and there is now great probability of wheat being extremely scarce during the insuing season. I am not, my Lord, apprehensive of any immediate distress from this unfortunate circumstance, but desirous of shewing your Grace what difficulty stands in the way of that reduction of the price of grain which I this year expected to accomplish, and to say that I am the more particularly concerned at this dissapointment because I had the pleasing prospect from the last year's exertions that we shou'd have been complet'ly out of the reach of immediate distress from one unfortunate season, for I am convinc'd had the present been moderately favorable we shou'd not have had less than two years' bread for the colony.

1796

26 Sept.

The drought.

Consequent rise in price of grain.

It is also a subject of great regret to me, my Lord, to be under the necessity of mentioning the distitute state of our public stores in regard to slops of every kind and of bedding. The loss of the Lady Shore, transport, and the very few supplies of this nature brought lately into the colony, have so impoverished us that the people are, literally speaking, nearly naked, and great numbers without a bed or blanket to lie upon. Your Grace will excuse my being very earnest in recommending this subject as a matter requiring the earliest attention.

Condition of the stores.

Anxious to give every possible encouragement to the rearing of swine, I have lately taken more pork into store than formerly. I have therefore only to request, my Lord, that this circumstance be consider'd when bills appear, as it must be paid for here. The provision mentioned in your Grace's letter by the *Britannia*, which was to have been landed with the female convicts she brought here, had not been put on board that ship. All that was landed here was what remained of the sea victualing.

Rearing swine.

I am of opinion that the English flax can be cultivated here with success. I cou'd wish to have some fresh seed sent out by the first conveyance. I am now attempting (by way of experiment) to make a kind of cloth from the bark of a tree which spins and dresses well. I trust I shall before long be enabled to shew a specimen of it.

English flax.

* This dry weather continued until March, 1799, when for two or three days heavy rain fell, causing the Hawkesbury River to rise fifty feet above its ordinary level, and inundate the surrounding country. Amongst other buildings, the Government storehouse was washed away with all its contents. Collins remarks that it was rumoured that the natives had warned some of the settlers of the approaching flood, but cautiously adds that the rumour lacked confirmation.—Collins, vol. ii, p. 200.

1798

25 Sept.

Missing
despatches.

Your Grace, in the duplicates of letters I had the honor of receiving by the Barwell, refers me to original inclosures of special documents sent by the Lady Shore, which are not otherwise particularised. I am, of course, at a loss how to advert to them, and request you to have the goodness to replace them in the next despatches. The law opinions, in particular, respecting the power of a Vice-Admiralty Court, which your Grace mentions, I must remain an entire stranger to untill I am in possession of it by some more fortunate conveyance.

Vice-
Admiralty
Court.

Your Grace, by the letters forwarded by the Barwell, which returns to England by way of China, will observe we have lately held a Court of Vice-Admiralty here, and the proceedings thereof have been transmitted to Sir James Marriot.

Stationery
required.

Before I conclude, my Lord, permit me to remark that the stationary sent out to this colony is widely disproportioned to the consumption. I hope, therefore, that a more abundant supply of that article will be sent as early as possible. The Judge-Advocate's office, which embraces such a variety of objects, and where the business every day grows upon a more enlarg'd and extensive scale, is intirely without any allowance, and I have inconvenienced myself to administer to its exegencies, fearing that the public service might otherwise have been materially injured.*

I have not judg'd it expedient to send duplicates of my last despatches by this conveyance, but will forward them by the earliest opportunity.

I have, &c.,

JNO HUNTER.

UNDER SECRETARY KING TO LIEUTENANT-GOVERNOR KING.

Sir,

Whitehall, 25th September, 1798.

I am directed by the Duke of Portland to acquaint you, in answer to your letter to me of the 18th instant, that his Grace will recommend an allowance of £96 being made in the next year's estimate for New South Wales to the Rev. Mr. Haddock, in addition to what has been granted to that gentleman by the Society for the Propagation of the Gospel, but that no allowance can be made to him before that period.†

Rev. Mr.
Haddock.

I am, &c.,

J. KING.

GOVERNMENT AND GENERAL ORDER.

2 Oct.

2nd October, 1798.

Parole—Newport.

Countersign—America.

THE Commissary is directed to issue on Saturday and Monday next the following ration, and continue it until further orders:—

Ration to
free people.*To the Civil, Military, Free People, Watchmen, &c.*

Beef	...	...	7 lb., or	Wheat	...	...	10 lb.
Pork	...	...	4 lb.	Maize	...	...	10 lb.

* Ante, p. 230; post, p. 736.

† Although the money was available, Mr. Haddock did not fill this position.—Ante, p. 2 (note).

THE CHURCH DESTROYED BY FIRE.

495

<i>Convicts, &c.</i>							1798	
Beef	7 lb., or	Wheat	...	...	9 lb.	2 Oct.
Pork	4 lb.	Maize	...	...	12 lb.	To convicts.
Women and children the usual proportion*								
JNO. HUNTER.								

GOVERNMENT AND GENERAL ORDER.

3rd October, 1798.

3 Oct.

Parole—Sacralegious.

Countersign—Incendiary.

WHEREAS some worthless and infamous person or persons did on Monday last, between the hours of 7 and 8 in the evening, wilfully and maliciously set fire to the church and school-house,† by which it was completely consumed. And whereas the discovery of characters so extremely dangerous to the colony at large, as well as to its inhabitants individually, is of the utmost importance : Notice is hereby given that if any person will come forward and give such information as shall serve to convict so horrid a character before a Court of Criminal Judicature they shall receive a reward of £30. And if the informer shall happen to be a convict, such convict, in addition to the above reward, shall receive a full and absolute emancipation, and be recommended to the master of any ship in which he or she may desire to leave the colony.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

4th October, 1798.

4 Oct.

IT having been represented to the Governor that many people who are concerned in petty dealings with every description of inhabitants in this colony consider themselves at liberty to imprison the persons of their debtors, when unable to discharge their demands, by which means the public interest is materially injured, and the Crown deprived of the services of such debtors :

Notice is hereby given, and the Governor expects it to be seriously attended to, that the public labouring servants of the Crown are not to be detained from their duty by imprisoning their persons in this way, the property they possess being considered as belonging to Government ; and if any such dealers shall be desirous at any time of accommodating the labouring servants of the Crown with credit, it must be wholly and absolutely upon the strength of their good faith in the integrity of such people, and not under a notion that they can arrest and imprison them by forms of law ; and it is from henceforth to be generally understood that Government will by no means dispense with the labour of its servants for the partial accommodation of any private dealings whatever.

JNO. HUNTER.

* The usual proportion was two-thirds.

† This was the church erected by the Rev. R. Johnson in 1793.—Vol. II., p. 65 and notes.

1798

SIR JOSEPH BANKS TO UNDER SECRETARY KING.

16 Oct.

My Dear Sir,

Spring Grove, 16th Oct., 1798.

Gardener's
instructions.

I am happy to find you approve the instructions I have drawn for the gardener, and sensible of the compliment you have paid me by sending them out to Governor Hunter. The first use of them, however, is to put them properly into the hands of George Suter,* the gardener, either under the signature of the office or such other as you may think expedient.

My idea is that he should be put under the directions of Govr. King, in which case the Govr. must have instructions from the office to sign them, and take upon himself the general superintendence of the garden and gardener during the voyage.

George
Sutter.

George Suter, you know, undertakes to act as gardener without fee or reward, on condition of being allow'd to settle, of having a grant of 200 acres, &c., &c., as usual. Pray do not forget to give Hunter instructions on this subject. If Suter carries out the plants in good health he will deserve well of the colony, and no doubt will be properly attended to. At all events, he has behav'd so quietly, so sensibly, and so prudently during the whole time he has been under my directions that I feel a great interest in his future prospects, and a strong wish that good land may be allotted to him, and decent convicts allow'd him for servants.

Fodder-
plants.

Be so good as to add to the list of plants which I sent you in box No. 12 two carob-trees, and in box No. 2 Roxburgh's spring grass. In the recapitulation please to enter as an article fodder for cattle, and under it insert these two names. The carob is one of the best fodders known in the south of Europe for all kinds of animals, and the spring grass is said to have been of incredible service to the island of St. Helena. Believe me, &c.,

JOS. BANKS

EVAN NEPEAN TO MAJOR-GENERAL INNES.†

Sir,

The Admiralty Office, 16th October, 1798.

Irregular
sentences.

In consequence of two marines having been sentenced by the Courts-martial before whom they were tried to serve in the New South Wales Corps during life, I am com'd by my Lords Commissioners of the Adm'ty to acquaint you, for the information of the members of such Courts-martial as you may hereafter be directed to assemble, that such sentences being very irregular, it is their Lordships' direction that they be not again repeated.

I am, &c.,

EVAN NEPEAN.

* George Sutter.—Ante, pp. 333, 382, 411.

† Major-General Innes commanded the marines at Chatham. A similar letter was sent by Nepean to the commanding officers at Portsmouth (Major-General Avarne) and at Plymouth (Major-General Bowater).

SECRETARY NEPEAN TO COLONEL BROWNRIGG.

1798

Sir,

16th October, 1798.

16 Oct.

I am comm'd by my Lords Comm'rs of the Adm'y to request you will submit to his Royal Highness the Comm'r-in-Chief their Lordships' desire that two marines who have been tried by Court-martial and sentenced to serve during life in the New South Wales Corps may be received therein accordingly; and to communicate at the same time to his Royal Highness that their Lordships, being aware that the Courts by whom they were tried have acted irregularly in passing those sentences, have taken measures to prevent it being again repeated.*

The New South Wales Corps and military prisoners.

I am, &c.,

E.N.

EVAN NEPEAN TO MAJOR-GENERAL AVARNE.

Sir,

17th October, 1798.

17 Oct.

I have communic'd to my Lords Com'rs of the Admiralty your letter of the 11th ins't, requesting that John M'Kennis, who is sentenced to serve during life in the New South Wales Corps, may be removed from the Portsmouth barracks; and, in return, I am comm'd by their Lordships to acquaint you that necessary measures are now taking for him to be sent to the said corps.

A sentence to be carried out.

E.N.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

Sir,

Blackheath Hill, Tuesday, 17th October, 1798.

The Porpoise is now at Long Reach, whither she went yesterday, and will be ready to receive the plants when they can be sent. I should be extremely obliged to you to inform me when it is probable they may set off from Kew, and when I may expect them at Greenwich or Deptford, where the boat must lye one tide.

Conveyance of plants in the Porpoise.

I have purchased six baskets to hang the seeds in in my own cabin; and as they are made on purpose and close, they will add to the security of the seeds. As we shall not be able to do without a stove, do you think the warmth from that will injure the seeds? If so, I will dispose of them otherways until we have no longer use for a fire, which will be soon after our departure. I have arranged a list of seeds, if it should be in your power to procure me some of this year's.

I have wrote to Souter [Suttor], who will, of course, wait your orders. I beg my respects to Lady and Miss Banks.

I am, &c.,

P. G. KING.

* Ante, pp. 298, 476, 496, and post, p. 519.

1798

[Enclosure.]

17 Oct.
List of seeds.

Early York	}	Cabbage.
Anjou		
Early Sugar-loaf		
Late Sugar-loaf		
Scotch for Cattle		
Chaix de Milan.		
Cauliflower.		
Brocoli.		
Sea Colewort or Kale.		
Lettuces.		
Celery.		
Melon Seed.		
Two-years'-keeping Onion.		
Raddish	}	Best kind.
Turnip		
Double Marygold	}	Sweet and Pot Herbs.
Clary		
Sweet and Pot Marjoram		
Hyssop		
Rosemary		
Lavender		
Crash		
Carduus Benedictus.		
Coriander.		
Virginia Long-leaved Tobacco.		
Rue, White and Red Poppy.		
Carraway, Anise.		
Fennels.		
Fenugreek.		
English and Turkey Rhubarb.		

Poconey.
Marshmallows, Burdock.
Borage, Sage, Mint.
Peppermint.
* Wormwood.
About Two Quarts of beat Pease.
Do. do. do. Beans.
Do. do. do. Kidney
Beans.
Flower Seeds.
Half-pint of each of the following
Grass Seeds :—
Red Clover.
White do.
Trefoil.
Buckwheat.
Rye Grass.
St. Foin.
Dantzick Flax.
Lucerne.
Timothy Grass.
Guinea do.
Stones and Seeds of Fruit.
There is no Gooseberry or Currant
Cuttings in the boxes.
Stone Pine Seed.
The best kind of Broom Seed as a
substitute for Hops.
Madder Plant or Seed.
A Quart of Flax Seed.

I beg pardon for this long list, but I thought hinting such things as appeared wanting might be acceptable. May I request a list of the seeds sent.

GOVERNMENT AND GENERAL ORDER.

30 Oct.
Labour of
convicts.

30th October, 1798.

Hours of
labour.

THE Governor having understood that the people who are employed by Government at the Hawkesbury, such as sawyers, carpenters, and other working people, do apply more than half the time to their own purposes, and that thro' that imposition the public work is almost wholly neglected: The task which the sawyers have thought proper to establish for themselves is so clear an imposition that it is no longer to be allowed:† Unless, therefore, they cut what is a fair weekly task, they are to be employed agreeable to the Public Orders lately issued, that is, from daylight until 8 o'clock, then an hour for breakfast, from 9 until 12, then one hour and a half to dinner, and from half-past 1 until sunset—these are

* Note in original:—No wormwood plant in the boxes.

† This was not the first time complaints had been made about the conduct of the sawyers. Collins states (vol. ii, p. 17) that in January, 1797, an inquiry was held concerning frauds perpetrated by the sawyers, and upon proof they were punished. A General Order dealing with this matter was issued on 15th May, 1798.—Ante, p. 384.

the working-hours, except when a proper task is cut, which of the timber cutt at Hawkesbury 600 feet cannot be reckoned too much. The labouring people who supply the pits can in three days furnish enough for the week, the rest of their time to be employed in splitting shingles, or paling for enclosing the public buildings, or as the commanding officer may judge best for the public service.

The navigation of the creek being nearly shut up by the trees which have been thrown into it, it is expected that every person having a farm upon its banks do exert their utmost endeavor to clear opposite their own grounds, otherwise it may be found necessary to employ people at their expence.

It is the Governor's intention, for the convenience of the settlers, &c., at Hawkesbury, to direct that a quarterly session be held there regularly for the settling all their civil concerns; the times of its sitting will be advertised.

The Governor cautions the settlers against the permitting worthless and idle persons to lurk about upon their farms, as it is expected they be in a certain degree answerable for the conduct of those whom they permit to reside upon their grounds or employ in their service. The district constables are desired to give in to the commanding officer once a month an account of the persons resident amongst the settlers in their respective districts, agreeable to their original instructions.

The settlers are desired, whenever they take a man into their employ, that they immediately enter his name with the chief constable, who is ordered to keep a list or register of the labouring people employed within the limits of his duty.

JNO. HUNTER.

G. SUTTOR TO LIEUTENANT-GOVERNOR KING. (Banks Papers.)

On board the Porpoise, off Greenhithe,

Sir, 30th October, 1798.

Yesterday I received your letter and the set of instructions, which I will allways pay the strictest attention to, and do everything in my power to preserve the plants under my care; indeed, it will be a great pleasure to me if they all arrive safe at New South Wales, though the tender plants are now in a situation not favorable for them. Some of them have been taken out of a warm stove. Of course, this cold situation is disadvantageous and hurtful. The jolap died before they left Kew, and Mr. Aiton had not another to replace it. All the plants at this time look well; indeed, there is very little fear of the hardy plants, which are all in a perfect good state. The peach-trees (*or nectarine) which were in the pots I have found room for in the boxes. The other† plants remain as they were sent on the quarter-

* Note by Lieutenant-Governor King :—Some which Mr. Rashleigh sent to me.

† Note by Lieutenant-Governor King :—A small box of stem-cuttings.

1798 deck. The box of hop plants I have got on board, and in the
30 Oct. garden. The tarpolin was over the garden the greater part of
Sunday, yesterday, and all last night. This morning I had it off
to give them as much air as possible, which is very necessary ; but
shall put it on this afternoon, as it appears much inclined for
rain.

Yours, &c.,
G. SUTTOR.

THE COMMISSARY'S INSTRUCTIONS.

1 Nov.

1st November, 1798.

Instructions to John Palmer, Esq., Commissary of Stores and
Provisions in his Majesty's settlement in New South Wales.

Palmer's
appointment.

WHEREAS his Majesty has been pleased, by warrant under his
Royal Sign-Manual, bearing date the 2nd day of June, 1791, to
appoint you to be Commissary of Stores and Provisions at his
Majesty's settlement in New South Wales, subject to such orders
and directions as you shall from time to time receive from the
Commissioners of his Majesty's Treasury, or from the Governor,
or other commanding officer of the said settlement :

Troops and
convicts
to be
victualled.

First.—You are to take care that all the troops of his Majesty
and convicts in the said settlement and its dependencies be properly
supplied with every species of provisions and stores, and keep up
a stock of twelve months' provisions, as near as may be, for the
said troops and convicts.

Estimates of
require-
ments to be
sent home
yearly.

Second.—You are to transmit annually to us, or to the Com-
missioners of the Treasury for the time being, an estimate, to be
previously inspected and approved by the Governor or other
commanding officer of the said settlement, of the quantities of
provisions of all species and of stores that appear to you necessary
for the consumption of the ensuing year, distinguishing, as far as is
practicable, the quantities necessary for each post where troops or
convicts may be stationed in the said settlement and its depen-
dencies, so as to prevent as much as possible the necessity of
transshipping from head-quarters and of purchases abroad.

Purchasing
stores.

Third.—When it is necessary or advisable to make purchases of
provisions or stores, which purchases are to be made, if possible,
when the Governor is on the spot, and at no other time, you are
to do it under the authority of the Governor or commander for
the time being, either signified to you in writing previous to the
purchase, or approved by his signature to the amounts of such
expenses, and on the best terms that can be procured ; and you are
to obtain a certificate of two respectable merchants or magistrates
to the bills of particulars, that the price paid was the market price
according to quality and condition of the articles, or to the current
rate at the time. If any articles to be purchased should be scarce,
and no regular market price for the same, yet a necessity for

Instructions
in special
cases.

purchasing, you are to obtain from the Governor or commander at the time a written order for the purchase on the best possible terms, for which purpose you are to publish your intention of receiving tenders, which tenders, when received, are to be laid before the Governor before the purchases are made. You are then, with the concurrence of the Governor or officer commanding at the time, whose approbation is to be signified by his signature to each bill, to draw bills yourself on us, or the Commissioners of the Treasury for the time being, for the amount, taking care to note on each of the said bills the course of exchange at which the same is drawn.

1798

1 Nov.

Fourth.—Whenever you shall have occasion to draw or negotiate any bills of exchange, you are, by public advertisement, to make known your intention of so doing, giving as much previous notice as possible, in which advertisement is to be stated the amount of the sum which you have it in contemplation to draw for and negotiate at the time, and you are to accept the most advantageous proposal for the public which shall be offered to you. You are also to accompany your letters of advice of the bills so drawn and negotiated with an affidavit that you had published such advertisement, that you had accepted the most advantageous proposal for the public that was offered to you, and that you had not, either directly or indirectly, received any fee or gratuity for drawing or negotiating the said bills. The said affidavit is also to state the day on which the advertisement was published, and the day on which the proposals were accepted; and, as a further security to the public, you are to obtain from the Governor or commander certificates of the current rates of exchange, which certificates the said Governor or commander will be instructed to grant you on proper application made for that purpose, and these certificates, duplicates of which will be regularly sent to us, are to be kept by you as your further vouchers of the rate of exchange. You are also to keep an exact account of profit and loss by exchange on bills drawn and negotiated, to be verified upon oath before the Commissioners for auditing the public accounts, upon the audit of your account before that Board.

Bills of
exchange.Governor's
certificates.

Fifth.—You are to take receipts for all your payments in the presence of at least one witness, such witness to be a magistrate, or some person in an office at employment, and you are to take three sets of all vouchers, one of which sets is to be transmitted to us, or the Commissioners of the Treasury for the time being. Another set is to accompany your accounts, which are from time to time to be delivered, duly attested on oath, to the Commissioners for auditing the public accounts, and the other set is to be detained for your own use.

Receipts and
vouchers.

Sixth.—You are to keep an account of every species of stores and provisions consigned to you from this country, delivered into

Proper
accounts to
be kept.

1798

1 Nov.

your charge, or purchased by you under the authority of the Commander-in-Chief for the time being, as before mentioned; charging yourself with the receipt of all such stores and provisions, together with the casks, iron hoops, sacks, or other packages in which such stores or provisions may be removed. You are also to keep a regular account of all issues of such stores and provisions, taking care in the issuing thereof that no persons do receive the same other than such as are entitled thereto by the established custom of the settlement, or under the particular written orders of the Governor or Commander for the time being; and you are to take proper receipts from all persons to whom you deliver stores or provisions as your vouchers for the expenditure.

Damaged
stores;

how to be
disposed of.

Seventh.—If any stores or provisions shall be damaged, lost, destroyed, or plundered, you are to require a survey thereon, or inquiry into the facts, which survey will be directed to be made by persons to be appointed and instructed for that purpose by the Governor, according to the form hereunto annexed marked A,* which persons are to report to the Governor upon oath the amount of any stores or provisions lost, destroyed, or plundered, or the state in which any damaged stores and provisions shall be found, according to the form hereunto annexed marked B; and the Governor will thereupon direct the stores and provisions which may be reported unfit for his Majesty's service to be sold or destroyed, as he shall think most adviseable, according to the annexed form C; and you are to obtain authentic copies of all the proceedings thereon, and also special certificates, according to the form annexed D, to be approved by the Governor, that such condemned stores and provisions have been *bona fide* disposed of in the manner directed by the Governor, for your indemnification, without which you will not be allowed credit for the same. The sale of such articles as may be condemned, and ordered to be sold, must be under the authority of the commander for the time being, by public sale; you are to charge yourself in your account to be exhibited to the Commissioners for auditing the public accounts with the net proceeds of such condemned articles, and the vendue-master's account is to be produced as the voucher in support thereof.

Receipts and
expenditure.

Eighth.—You are to make up, at the end of every year, and transmit by the first opportunity, to us, or the Commissioners of the Treasury for the time being, or in case no conveyance shall offer for England, you are to deliver regularly every year to the Governor, to be by him transmitted, an account of all receipts, whether by purchase or otherwise, and of all expenditures, whether by issues, condemnations, or losses, of every species of stores and provisions under your control, together with the remains in store, distinguished under proper heads and authenticated by the signature of the Governor or commander for the time being; and with these accounts you are to transmit one set of the vouchers for the

* The forms which accompanied these instructions are missing.

issue or expenditure of such stores and provisions, in order that the said accounts and vouchers may be examined by the Comptrollers of the Accounts of the Army. 1798
1 Nov.

Ninth.—You are to be particularly attentive to the preservation of all stores and provisions, and are to issue your instructions to the several officers employed by you to the same effect, as well as for the due execution of their duty in every respect, as they are all to be accountable to you, as you are to be responsible for the whole to the public. You are to obey all such further orders and instructions as you may, from time to time, receive from us, or from the Commissioners of the Treasury for the time being, or from the Governor and commander for the time being. A responsible office.

Given under our hands, at the Treasury Chambers, Whitehall, this first day of November, 1798.

W. PITT.

J. H. TOWNSHEND.

S. DOUGLAS.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

Dear Sir, Sydney, New South Wales, 1st Nov., 1798.

Your favour of the 6th of February last* by the ship *Marquis Cornwallis* I received two days ago by the arrival in this port of that ship with a cargo of live cattle from the Cape Good Hope. You will discover in some of my letters on the concerns of the colony what I have said to the Duke of Portland upon the subject of farming extensively on the public account, and upon the care of numerous flocks or herds of public stock; and I beg in this private way to assure you that anxious as I am to have the settlement well provided, yet every increase of our live and valuable stock serves to increase my anxiety and distress for want of trusty, well-qualified, and respectable persons to take the care and management of those truly important concerns. Cattle from the Cape.
Increase of live stock.

The multiplied duties of the Governor are far, very far, beyond any idea you can possibly form of his situation, and, unless some means are fallen upon to lessen them, losses in various ways are unavoidable.

The young man (Evan Morgan) whom you have mentioned, upon his arrival here, and upon my understanding he had been bred in the medical line, was by my order plac'd in the hospital department, where he was far more comfortable than he cou'd well have expected, and where he might have improv'd his information in the original profession for which he had been design'd, and where also he might have recommended himself by his diligence and proper conduct; but I am sorry to inform his friends, after the fair prospect which he had of removing the impression which his unhappy transport'n to this country might have made on the mind of his friends and connections, he had made some infamous acquaintances here, which cou'd only serve to hasten his A medical student.

* This letter has not been preserved.

1798
1 Nov.
Escapes in a trading vessel.

ruin. He had been persuaded by them to attempt an escape from the colony in an American ship bound for China, which had stop'd here only a few days ; in this attempt he succeeded, which was not discover'd untill the day after his departure, when his absence from his duty in the hospital made it known.

The colonists naked.

Suffer me here, my dear sir, to beseech you to recollect that the whole colony are actually naked ; that no cloathing worth mentioning has been receiv'd here for more than two years. The Sylph,* storeship, brought the last supply, and I mention'd then that the whole, or nearly all, we then receiv'd wou'd be immediatly issu'd to cloath the people. Since that time the most studied oeconomy has been practis'd to endeavour to cover the nakedness of the people, and at this moment the anxiety which I experience from daily and hourly petitions is excessive. Not a blanket to wrap themselves up in during the night, and I fear for the consequences to the general health of the settlement.

Present for Mrs. King.

Some considerable time past you desir'd I wou'd send you some seeds of our flowering shrubs, which I did, as also a cage of parrots for Mrs. King, but I know not whether you have been so lucky as to receive them.

I shall by this conveyance forward duplicates of my last letters to his Grace the Duke of Portland, and I shall probably have occasion to trouble his Grace with a short letter in addition.

I am, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

My Lord Duke, Sydney, N.S. Wales, 1st November, 1798.

Marquis Cornwallis.

I avail myself of the ship Marq's Cornwallis, which arriv'd here the 27th ultimo, and from which I have receiv'd on the public account a cargo of live cattle, to forward duplicates of such despatches as I sent by the Barwell, which left this port on the 16th of Sep'r for China.

Cattle from the Cape.

The numbers of cattle receiv'd by this ship are one hundred and fifty-eight cows and twenty bulls, exclusive of a few her commander had on private account, which have been purchas'd by individuals. There are a few rather weakly, but in general they are in as good health as any I have seen landed here after a voyage of such extent, and will be a vast acquisition to the colony. A part of the cows are a mix'd breed, between the Cape and English cattle, which are allow'd to be a good kind, and the whole appear to be under the age of two and a half years.

Danger of losing cattle.

Permit me, my Lord, in this place to assure your Grace that a trusty, well-qualified, and respectable character becomes highly requisite to have the general care of the different flocks and the direction of the herdsmen that attend them, who are all convicts of the most mischievous and worthless discription, and they are

* The Sylph arrived at Sydney on 17th November, 1798.

not so strictly looked after as I cou'd wish. The public stock is now becoming numerous, and must necessarily be divided into several herds, with a sufficient number of men to look after them, but these men must again be narrowly watch'd, or much loss will be experienc'd.

1798

1 Nov.

About a month past some wicked and disaffected person or persons, in consequence of a strict order which I saw it absolutely necessary to issue, for compelling a decent attention upon divine service and a more sober and orderly manner of spending the Sabbath Day, took an opportunity of a windy and dark evening and set fire to the church. This building had also serv'd during the week-days as a school-house, in which from one hundred and fifty to two hundred children were educated under the immediate superintendence of the clergyman. In two hours it was completely consum'd.

The church burnt down.

This circumstance, and many others equally horrid, were they made known, w'd impress upon your Grace's mind more than any language I can use what a dreadful state of wickedness and profligacy the colony wou'd by this time have been plung'd in had it not been for the strict civil police which I early saw the necessity of, and have had the good fortune to establish. A more wicked, abandon'd, and irreligious set of people have never been brought together in any part of the w^old. My support of the clergy and the countenance which they are entitled to, and which, as a most necessary and essential part of that civil police, they will always receive from me, has not been much relish'd by the colony at large, because order and morality is not the wish of its inhabitants; it interferes with the private views and pursuits of individuals of various discriptions.

Morals of the community.

This misfortune of having our only church destroy'd has not, however, answer'd the end propos'd by its destruction—that of setting aside for a time all appearance of religion or attendance on divine worship, and of employing the time set apart for those necessary purposes or dutys in such manner as best corresponded with the different views of the various characters; for, having a short time before finish'd a large storehouse, which had not yet been applied to its intended purpose, I have had it fitted up as a temporary place for public worship, and I have laid the foundation of a large and substantial stone church at Sydney, which we shall continue to work at with such men as we can afford from other essential labour untill it is finish'd.* I have also laid the foundation of a church of smaller size at Parramatta,† and I trust we shall be able to complete with such materials as may prevent the success of similar attempts in future.

A temporary church.

I have pleasure in assuring your Grace that the colony, generally speaking, is in perfect health; but, I am concerned to add, intirely naked for want of a supply of slop cloathing and of bedding.

Healthy, but naked.

* St. Phillip's.

† St. John's.

1798

1 Nov.

Turbulent
convicts.

Since the failure of those ill-consider'd attempts of the Irish convicts of deserting from the settlement, either by land or water, we have had no farther schemes of that nature plan'd. I am of opinion they will not in future be so unwise, altho' ever turbulent and discontented; but as a matter of common justice to those convicts, I hope that your Grace's application to the Irish Government for an account of the time of their convictions and term of transportation of those hitherto sent from that country will be attended to.* I have inform'd the people that your Grace had promis'd it shou'd be sent out.

The dry
weather.

I wrote your Grace since the departure of the Barwell by an American vessel bound to China, and dated 25th September,† in which I stated how unlucky we had been in an uncommon sultry season attended with a tedious drought, but that I did not apprehend any other misfortune than the disappointment of my hope of being able to lower the price of grain this year. Our crops have suffer'd so much I do not expect that we shall reap more than half the quantity we had a right to have expected.

Macarthur's
charges.

With my other duplicates your Grace will also receive one of my letter of the 25th July,‡ mark'd separate, in answer to that shamefull, abominable, and artfull letter of Capt. McArthur to your Grace. You will also, my Lord, receive with it duplicates of all its inclosures, that there be no difficulty, thro' a want of full information, in seeing into the unpardonable design of this artfull, mischievous, and troublesome character.

Hunter's
counter-
charges.

Your Grace will, I am sure, excuse my taking the liberty to say that I cannot suffer this man's false and impertinent representations, as far as they relate to my immediate arrangements and regulations for the advantage and public order of this colony, to pass unnotic'd; nor can I allow my conduct for those essential purposes to be judg'd of and represented by every or any impertinent med'lar or trader in this settlement, who, having no public duty to employ their time, go sculking about to make their observations and pass their judgement on all the public measures which are not convenient to their views and speculations, and putting such constructions upon them as suit the wishes of their own malicious heart, and may answer the end of their own detestable and contemptible designs. Nothing upon earth cou'd possibly gratify me so much as to have every measure of mine and its motive clearly understood and seen thro' by your Grace. I am confident, were that the case, that I shou'd, as matter of common justice, receive that credit which I hope I am not vain and I am sure I am not singular, in conceiving myself intitled to. I wait impatiently for your Grace's judgement on this man's

Hunter
protests his
purity of
motive.

* This was sent by the transport Minerva, which arrived at Sydney on the 11th January, 1800.

† Ante, p. 492.

‡ Ante, pp. 418-446.

conduct, and I trust it will be such, when my reply has been perused and consider'd, as to require his Majesty's determination upon it. His artfull attempt to skreen from any degree of censure such part of the measures of his own commanding officers as I found it necessary, consistent with my instructions, to alter, and which he has attempted, in direct opposition to truth, to place to my account, was beyond any doubt designed to influence those gentlemen who are in England, and on the spot, in favour of his mean and contemptible representations; but they are, I believe, men of too much honour to countenance a conduct so highly improper. If he thought they were right, I must of course have appear'd wrong, and no doubt liable to censure for the alteration.

1798

1 Nov.

Macarthur
and the
officers.

The cause of this man's conduct in writing in the secret manner he did a string of representations so completely untrue that none in this settlement had been able to make such discoveries but himself, some of which respected my arrangements and management of its concerns, which at that time I had scarcely been able to collect any true state of, was clearly from my having been able to discover enough of his views to put me on my guard against delegating much of the Governor's power or authority to him. The good of public service I have never been able to discover to be any part of his object or wishes, nor am I in this opinion singular. In short, my Lord, I am thoroughly convinced that the liberty he has assum'd of corresponding with your Grace upon the concerns with which I am charg'd he never wou'd have ventur'd upon but from an opinion that he wou'd receive countenance in doing so from such of his own officers as were on the spot in London, who, as officers, I have too high an opinion to believe capable of encouraging by their countenance or approbation a conduct subversive of all authority, and of which I conceive they wou'd feel as tenacious as I do.

Hunter's
explanation
of
Macarthur's
opposition.Macarthur's
fellow-
officers in
England.

I have, &c.,

JNO. HUNTER.

P.S.—I began this letter by observing that I had forwarded duplicates of my last letter by the ship *Ms. Cornwallis*, but the master of her appears so undetermined respecting his route to Bengal that I am a little doubtfull of the safety of the conveyance; shall therefore wait another opportunity.

Letter held
back.

G. SUTTON TO J. W. AITON,* Esq. (Banks Papers.)

On board the *Porpoise*, lying in Long Reach,

Sir, off Greenhithe, Kent, 6th Nov., 1798.

6 Nov.

I take the liberty of addressing this letter to you, as I have experienced so much of your kindness and well wishes. I

* The family of Aiton had been associated with the science of botany for a number of years. At the time this letter was written John Townsend Aiton was manager of the Royal Gardens at Kew, a position held before him by his father, William Aiton. J. W. Aiton was probably a brother of the manager.

1798
6 Nov.
An uneasy settler.
The two Kings.
Settlers' terms.
The plants.

do not doubt but that when you can you will serve me. At present the request I have to make is for your advice. I am now on board the Porpoise comfortable situated, but spend some uneasy moments respecting the advantages I am to have as a settler in New South Wales, not having any letter either from Sir J. Banks or the Secretary of State. I am affraid I have made some mistake between the Gov. King and Secretary King. Sir J. B. told me he had writ to Mr. King respecting the advantages I was to have in the colony. When I mentioned it to Gov. King he said he had not had any letter from Sir J. B. about it. This is one of the reasons why I am uneasy. Another is that Mr. Gearish, the young man who is with me, has got the whole of his settlement from the Duke of Portland's office. What I wish you to do for me, sir, is, if you will be so kind as to mention something of it to Sir J. B., if you think it prudent, and will favor me with an answer; at the same time shall be much obliged to you to favor me with an account of Sir J.'s health.

The plants all appear in a fair way, except some of the tender ones, which seem on the decline; but I hope we shall leave England time enough to preserve them.

I must here return thanks for the kindness I have received from you, and beg to be remembered to all the family. Mrs. Suttor also begs to be remembred to the Mr. Aitona.

Yours, &c.,
G. SUTTOR.

GOVERNMENT AND GENERAL ORDER.

7 Nov.
Female convicts.
Employment of convict women by officers and others.

Parole—Spain. Countersign—Portugal.

7th November, 1798.

THE complaints which are daily made to the Governor of the refractory and disobedient conduct of the convict women* renders it necessary that some steps be instantly taken to make those troublesome characters more clearly understand the nature of their situation in this country, and the dutys which they are liable to be called to perform. The Governor has judged it necessary to desire that every officer or other housekeeper in the colony who may have women servants in their family do immediately forward to the Judge-Advocate's office at Sydney the names of such as they employ in their respective families. He also desires that they will not employ or afford protection from public labor any but such as they are permitted to retain; and that when at any time they are desirous of discharging from their service or employment any servant of this description they do send an intimation thereof, with a character, to the above office. And as the Governor has never limited the officers and other housekeepers in

* Writing to the Duke of Portland on the 18th November, 1796, Hunter expressed a wish that no more female convicts would be sent (ante, p. 182). In his Public Order of 3rd July, 1799, Hunter described the convict women as worse than the men (post, p. 665).

the number of women servants which they consider'd indispensably requisite in their domestic concerns, he trusts they will afford him every assistance in their power which may enable him to detect imposition and serve to correct any abuse of such indulgence.

1798

7 Nov.

JNO. HUNTER.

LETTER FROM A FEMALE CONVICT*

I TAKE the first opportunity of informing you of my safe arrival in this remote quarter of the world after a pretty good passage of six months. Since my arrival I have purchased a house, for which I gave £20, and the following articles, which are three turkies, at 15s. each; three sucking-pigs, at 10s.; a pair of pigeons, at 8s.; a yard-dog, £2; two muscovy ducks, at 10s. each; three English ducks, at 5s. each; and a goat, five guineas; six geese, at 15s. each. I have got a large garden to the house, and a licence. The sign is the "Three Jolly Settlers." I have met with tolerable good success in the public line. I did a little trade in the passage here in a number of small articles, such as sugar, tea, tobacco, thread, snuff, needles, and every thing that I could get anything by. The needles are a shilling a paper here, and fine thread is sixpence a skain. I have sold my petticoats at two guineas each, and my long black cloak at ten guineas, which shews that black silk sells well here; the edging that I gave 1s. 8d. per yard for in England, I got 5s. for it here. I have sold all the worst of my cloaths, as wearing apparel brings a good price. I bought a roll of tobacco at Rio Janeiro, of 54 lb. weight, which cost me 20s., which I was cheated out of; I could have got 12s. a pound for it here. I likewise bought a cwt. of sugar there, and also many other articles. Rum sells for 1s. 6d. per gallon there, and here, at times, £2. Any person coming from England with a few hundred pounds laid out at any of the ports that shipping touch at coming here are liable to make a fortune. Shoes that cost 4s. or 5s. a pair in England will bring from 10s. to 15s. here. On our passage here we buried only two women and two children. The climate is very healthful and likewise very fertile, as there are two crops a year of almost everything; and I really believe, with the assistance of God, by the time that I have paid the forfeit, according to the laws of my country, I shall acquire a little money to return home with, which I have not the smallest doubt of, and to be a comfort to you at the latter end of your days. Any person that should have a mind to come out here as a settler, by applying at the Secretary of State's Office, may have a free passage, and likewise two men and a farm here, which is great encouragement. I should be very glad to hear from you the first opportunity. I

10 Nov.

Prices
current at
Sydney.Traffic on a
transport
vessel."Liable to
make a
fortune."Settlers'
prospects.

* Reprinted from the *True Briton* of 10th November, 1798. The Editor of the *True Briton* prefixed the following note:—"Letter of a woman lately transported to Botany Bay to her father."

1798 live by myself, and did not do as the rest of the women did on the
 10 Nov. passage, which was, every one of them that could had a husband.
 I shall conclude with giving my kind love to my brother and sisters,
 nieces and nephews, so am, dear father, your ever dutiful, loving,
 and affectionate daughter till death,

S.B.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.
 (Banks Papers.)

8, Suffolk Street, Charing X,
 15th November, 1798.

15 Nov. Sir,

On looking into the letter-book at the Secy. of Stores, I find
 the following parh., dated 16th October :—

"I am directed by the Duke of Portland to transmit you a copy
 of a letter from Sir J. Banks to me, relative to Geo. Souter
 [Suttor], the gardner, and to desire that Sir Joseph's recommen-
 dation may be attended to, so far as his meritorious conduct may
 entitle him, and as you may judge reasonable and expedient."—
 Signed by J. King.

As I did not see the copy of your letter alluded to, I could not
 send the above information to Souter by this night's post; but
 as far as my memory will serve me, it was that he should have a
 Land grant to Suttor. grant of 200 acres in a convenient situation, and be allowed the
 labour of two convicts for a certain time, with a hutt, implements
 of husbandry, be maintained a twelvemonth from the stores, all
 advantages which other settlers had, and the extension of them to
 depend upon his own conduct during the voyage and in the colony.
 Gerish's letter I saw, in which he is mentioned as a gardner, and
 to be allowed to become a settler, and, as far as consistent with
 Govr. Hunter's instructions, to be assisted, so that Souter's situa-
 tion, by your kindness, is such as to place him in a certainty, which
 he appears to have had his doubts of by his letter to Mr. Aiton.*
 I did intend writing to you to-morrow morning, but that I am
 obliged to go towards the city.

I am, &c.,

P. G. KING.

G. CALEY TO SIR JOSEPH BANKS. (Banks Papers.)

18 Nov.

Sir Joseph, Strangeways, 18th November, 1798.

I have just received your letter, and find the contents to
 be highly satisfactory to my inclinations. It has took me much
 at a nonplus, whereby I am afraid it will [be] Tuesday morning,
 the 27th instant, before I can be in London; had it happened a
 fortnight or three weeks later I could have been ready in twelve
 hours; however, if it is possible that I can leave home before
 that time I certainly shall do [so], for I should like to stop a few
 in London.

Caley
 hastens to
 London.

* Ante, p. 507.

It would have been by far the better if an earlier intelligence had come to hand, as articles in wearing apparel would have been more easily purchased in Manchester than in London. I shall endeavour to discover matters likely to improve commerce, though I am well aware that I can make no profits from them, but, perhaps, in course of time, they may benefit the public. I must not forget to own that this opportunity is such a one as I have oftentimes wished to gain, and by far more agreeable than the first intended one. If I do not now make a progress I shall be very much to blame; but my hopes are far different, for I will strain every nerve to make those discoveries that may be expected from an individual.

1798
18 Nov.
Commerce.

For to have had a better knowledge of the Bot. Bay plants I should like to have took my specimens along with me, but as I have incorporated them amongst my other specimens, the present time will not permit me to look them out. I can retain a great number of them in my memory; but if I can get in London, and can have as much leisure as will admit of visiting some of the gardens, I can obtain more from thence. I do not mean by this to get complete specimens fitting for an herbarium, but a small slip or leaf, for these will afford a refreshment to the memory.*

I am, &c.,

G. CALEY.

GOVERNMENT AND GENERAL ORDER.

26th November, 1798.

26 Nov.

Parole—Attention. Countersign—Compliance.

THE Public Order of the 7th† (in which every officer or other housekeeper in the colony were directed to make a return to the Judge-Advocate's office, at Sydney, of the names of the women servants they might employ in their domestic concerns, and whose labor might be the property of the Government) not having been attended to except by a few individuals, his Excellency has judged it necessary to repeat that it is his desire the above return be made as early as it can be done, otherwise he shall find proper to call all those women in to perform such work as the public service may require of them.

Female
convicts
employed by
officers and
settlers.

This Order is meant to extend to settlers as well as others who may have any of the female servants of the Crown in their employment. Those who reside in the neighbourhood of Parramatta will forward their returns to Mr. Atkins, those at the Hawkesbury to the commanding officer there.

JNO. HUNTER.

* This letter is evidently a reply to one from Sir Joseph Banks, offering to procure a passage for Caley to New South Wales. See a brief account of his life, post, p. 516 (note).
† Ante, p. 508.

1798

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

3 Dec.

Sir,

Whitehall, 3rd December, 1798.

Estimate of
expendi-
ture.

I herewith transmit you an estimate of the expence of the civil establishment of New South Wales and Norfolk Island for 1799, which you will take particular care shall not be exceeded in any instance whatever.

I also transmit to you inclosed the printed instructions which it is his Majesty's pleasure that, in common with the Governors of his Majesty's other colonies, you should punctually observe with respect to any expence it may be necessary for you to incur on account of the public service.*

Accounts
and
vouchers
to be sent.

You must be sensible that great inconveniences have arisen from the bills which have been drawn from New South Wales on the Lords Commissioners of his Majesty's Treasury having been unaccompanied with the proper accounts and vouchers in support of them. In future, therefore, you will take care that such accounts and vouchers constantly accompany all bills drawn by you on that Board.

Returns of
clothing and
stores
required.

I must also observe to you that an equal degree of inconvenience has arisen from your having omitted to send a particular and specific return of such articles of clothing and other stores as are wanted in the settlement, in which those which are wanted merely for the use of the Crown should be distinguished from those which are applied for with a view to be disposed of to the individuals within the settlement at a fair price, including the prime cost and the expence and risk of freight from hence. The returns, in original, duplicate, and triplicate, should be transmitted by the several opportunities which occur, and should be made out for certain stated periods therein set forth. Besides the returns above mentioned, you should transmit at the same time regular general returns of the state of the settlement, in the usual manner and form as those which have been already received, including the quantity of the several articles of provision in store, the time they will last, and also the quantity, if any, of salt or other provisions which will be wanted from hence from twelve months next ensuing, the probable time of the arrival here of such return.

Miscel-
laneous
returns to be
forwarded.

The meat
supply.

When the live stock belonging to the Crown, added to that of individuals, is in so flourishing a state as to supply the consumption at sixpence per pound or less, without risking too great a diminution of such stock, it is evident that Government will gain by supplying the settlement with flesh provision on the spot, instead of sending any salted provisions from hence. Besides, such a degree of plenty, in respect of provisions within the settlement, will naturally be an inducement to individuals to take upon themselves the charge of providing for convicts in return for their labour; as it is evident that in that case such labour, whether

Self-
supporting
convicts.

* The enclosure is missing.

employed for individuals or for the Crown, must be much more valuable than the expence incurred in maintaining such convicts. It is only by adhering to this principle—and considering each individual convict as bound to earn his own livelyhood, whether he labours for the Crown or the individual—that justice can be done to the public.

I cannot conclude these additional instructions to you without acquainting you with my opinion upon your having purchased sugar to be issued out in rations, as you have stated in your letter of the 20th of June, 1797.* The use of that article should be restrained to hospitals alone, unless it is usually issued to the King's forces serving in forts or garrisons in other settlements, in which case it will be proper to observe the same rule in respect to the military in New South Wales. There must be a variety of other particulars, on a proper distribution of which a system of regularity and economy must in a great measure depend, and in regard to which your local knowledge and experience will enable you to apply the resources you possess to the best advantage.

I am, &c.,
PORTLAND.

GOVERNMENT AND GENERAL ORDER.

5th December, 1798.

5 Dec.

Parole—Magistrate.

Countersign—Constable.

THE time at which constables and watchmen have generally been chosen for the ensuing year being arrived, the Governor desires the magistrates will proceed as early as they can to the nomination or election of those who are to officiate during the next twelve months, and for this purpose an order in the name of the officiating magistrates sent to the different districts will be necessary for fixing the time when the return of those elected should be laid before them; and as there has appeared to the Governor, from the frequent escapes which have lately been made out of the gaol at Sydney, that an essential part of the duties of those men have been most shamefully neglected, or, which is still worse, that they have suffered themselves to be tamper'd with to permit the prisoners under their charge to effect their escape, it is hoped that the gentlemen who have the choice of such persons as are now to serve that office will be very particular in their election.†

Election of constables and watchmen.

Neglect of duty.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

7th December, 1798.

7 Dec.

Parole—Sultry.

Countersign—Weather.

THE Governor having understood that the assembling of a Court of Civil Judicature so early as Wednesday, the 12th, will be

Civil Court adjourned.

* Ante, p. 224.

† The system of police supervision established by Hunter met with the Duke of Portland's approval.—Ante, p. 489.

1798 attended with much loss and inconvenience to those whose crops
7 Dec. may not have been cut down by that time, he has directed the
assembling the above Court to be put off until Thursday, the 20th,
when it will meet for the despatch of such business as may come
before it. JNO. HUNTER.

SECRETARY NEPEAN TO THE HONOURABLE W. WINDHAM.*

8 Dec. Sir, 8th December, 1798.
Sentence passed on a
mutinous
soldier.
John McGinnis, a private marine of the Plymouth Division,
having been tried and convicted of mutiny at a General Court-
martial and sentenced to receive one thousand lashes and to serve
for life in the New South Wales Corps (which corporal punish-
ment has been inflicted), and my Lords Com'rs of the Admty
having given orders for the man's being received on board a
transport at Portsmouth and conveyed to New South Wales to
serve there conformable to the said sentence, I am comm'd by
their Lordships to acquaint you therewith, and to request you will
please to give the necessary orders for the said John McGinnis to
be received into the New South Wales Corps to serve for life,
agreeable to the sentence of the Court-martial above ment'd.

I am, &c.,
E.N.

GOVERNMENT AND GENERAL ORDER.

10 Dec. 10th December, 1798.
Parole—Iceland. Countersign—Lapland.
THE wheat harvest being nearly at an end, the Governor desires
again to remind those who are engaged in farming of the neces-
sity of their exerting themselves in every practicable means for
securing their crops, when stack'd, against accident by fire.† The
present dry and sultry season, he trusts, will of itself shew the
necessity of using every precaution. Fencing in, digging a ditch,
hoeing and raking the ground around their stacks, will, no doubt,
be highly advantageous. JNO. HUNTER.

The preven-
tion of fire.

G. SUTTOR TO SIR JOSEPH BANKS. (Banks Papers.)

11 Dec. Sir, On board H.M.S. Porpoise, Shereness Harbour,
11th December, 1798.
I take the liberty of informing that we are now in Shere-
ness Harbour, after encountering very great dangers. We left
the Nore on Thursday last, and had reached as far as Margate
Roads on our passage round to Portsmouth. When lying at
single anchor a gale of wind sprung up; we were obliged to cut
the cable and get out to deeper water, but still in so dangerous

The
Porpoise in
a gale.

* Secretary-at-War. The order contained in this letter was subsequently countermanded.
—Post, p. 519.
† Ante, pp. 219, 309, 491.

a situation as to lose another anchor and cable, which occasioned our returning back into harbour. I have, sir, at the same time the pleasure of informing you that the garden, considering the situation it has been in, looks extremely well. None of the tender plants are yet dead, though the averhoa, lemon grass, and caper plants are much on the decline, and some of the herbs. Everything else looks as well as when they left Kew.

Give me leave, sir, to return you most sincerely my grateful thanks for the trouble you are pleased to take in my welfare. Believe me, sir, it will be the study of my life to meritt your protection. G. S. hopes Sir J. Banks enjoys a good state of health. I was happy to hear by Mr. Aiton's letter you were much better.

Yours, &c.,
G. SUTTON.

UNDER SECRETARY KING TO SIR JOSEPH BANKS. (Banks Papers.)

Dear Sir,

12th December, 3 p.m., 1798.

12 Dec.

I am sure the Duke of Portland will comply with your request in favour of your young practical botanist, and will write to Governor Hunter accordingly; but you have not mentioned his name. Pray let me have it, and I think I can undertake to say I will take care of the rest.

Yours, &c.,
J. KING.

Draft of reply written by Sir Joseph Banks at foot of King's letter:—"I hope you will find George Caley's name in first line and seventh word of my letter."

SIR JOSEPH BANKS TO UNDER SECRETARY KING.

My Dear Sir,

Soho Square, 13th December, 1798.

13 Dec.

I have with me a young man who has for more than three years studied practical botany and horticulture under my directions, and who has, without the advantages of what is called a liberal education, made a considerable progress in both these branches of usefull knowledge.

I took him first under my care because he appear'd to me to have a natural bent towards these studies, and because he assur'd me that he felt an irresistible impulse to travel into foreign parts, and a full persuasion that he should be able to discover something useful to the manufactures of his native town, Manchester. I intended to have recommended him to his Majestie's service as a botanist travelling for the improvement of Kew Garden, had a vacancy happen'd in that department, which I expected would have been the case.

He is young, full of health, and abounding with zeal for his favorite pursuit, and is at present without employment. I have

1798

13 Dec.

Proposes to
send him to
New South
Wales.

therefore determin'd, if the Duke of Portland will grant me permission, to send him to New South Wales, where he will find an ample field for his researches, and where it is, I hope, not improbable that there are many objects, both in the vegetable and the mineral kingdoms, hitherto undiscover'd that will, when brought forward, become objects of national importance, and lay the foundation of a trade profitable to the mother country with that hitherto unproductive colony.

Banks will
pay his
salary.

As I am unwilling to recommend to Government any person as a botanist who has not receiv'd a scientific education, lest persons of that description might think themselves neglected and ill-treated, I am desirous of taking upon myself the payment of his salary, for which he will, I have no doubt, make me a competent return, by collecting for me specimens of new plants, &c. As, however, his maintenance in that country would be much more expensive to me as an individual than to Government, I shall, if they chuse to order the customary rations from the public stores, &c., to be issued to him, feel great gratitude; and I feel a hope that should such a favor be bestow'd upon me the probability of his making some discovery of a nature beneficial to the public will be consider'd as a sufficient justification to them for having granted to me this indulgence.

Arrange-
ments for
the voyage
and his
reception by
the
Governor.

As Governor King is so good as to allow this young man a place as one of his suite, I shall have no occasion to trouble Government with any request concerning his outward-bound passage; but I am to request that orders may be sent to his Majesty's Governor of New South Wales directing him to receive this young man, furnish him with suitable accommodation and the customary rations, and also permit him to make use of all opportunities that may occur of making journeys inland. If the Governor should be farther instructed to reward the young man according to his discretion, in case he should make any discovery likely to prove beneficial to the mother country or to the colony, no doubt this would increase his zeal and animate his exertions towards attaining so desirable an object.*

I have, &c.,

JOS. BANKS

* The young man referred to was George Caley. He was allowed a free passage to the colony in the *Speedy*. The following brief account of his life prior to sailing from England is taken chiefly from an anonymous work on the Royal Society, now in the British Museum:—

"George Caley had some education at the Manchester Free Grammar School, but was early placed in his father, a horse-dealer. His attention was first directed to botany in a search for plants mentioned in a work on farriery, pronounced good for the treatment of sick horses. This led him to ramble over the neighbourhood of Manchester in a general search for plants and to read botanical works. He studied Latin to be acquainted with names and terms used in such publications.

"His taste for searching after plants led him to wish for the occupation of *herp* collector. Learning that the President of the Royal Society was the most likely person to forward his views, he made an application to him; thus described by himself:—

"Now the idea of visiting foreign parts began to enter my mind. I thought of going to sea, but, not having a nautical education, and could not confine my mind to it, I considered

GEORGE CALEY.

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JAMES KING TO GOVERNOR HUNTER.

1798

(Banks Papers.)

14 Dec.

Whitehall, 14th December, 1798.

As Mr. Banks having warmly recommended to his Grace of Portland a young man (George Caley) who for three years studied practical botany and was under his direction, and who from his natural bent to these studies feels an irresistible impulse to travel into foreign parts, under a full persuasion that he shall be able to do something useful to the manufactures of the mother country, I am directed by his Grace to desire that the customary provision from the public stores should be issued to him, and that suitable accommodation should be provided for him. I am also to request that he may be permitted to avail himself of any opportunity that may occur of making journies inland for the purpose of discovering anything likely to prove beneficial to the mother country or to the colony of New South Wales.

Caley recommended by Banks.

Hunter to victual and assist him.

As the young man is full of health, and abounding with zeal for his favourite pursuit, I make no doubt but that you will give him every encouragement to animate his exertions towards attaining these desirable objects.

I am, &c.,

J. KING.

THE DUKE OF PORTLAND TO THE RIGHT HON. HENRY DUNDAS.

Sir,

Whitehall, 19th December, 1798.

19 Dec.

It appears by the last information received from the Governor of our settlement at New South Wales that strata of coals have been discovered there in several places, and particularly

Coal near Botany Bay.

it would be rashness. It was not long before it entered my head to write to Sir Joseph Banks. At length he sent me an answer. The result was that he knew of no other method than to be employed in a good botanic garden, and if I made a proper progress he would give me further assistance. I did not much like the thoughts of working in a garden, for that would be out of my element, and being tied to regular hours was not like working piece-work, knowing what I had to do and then giving over. However, I stood it as well as might be expected till I went to Kew, which place I do sincerely acknowledge I could not weather, not through the hardness of the work, but from being debarred from cultivating my mind according to its natural inclination.

"In vain he sought to convince his patron that such continued drudgery was unnecessary to the business of a botanical traveller. Sir Joseph thought otherwise, and the disappointed Caley forsook Kew for Lancashire hills. The kind-hearted baronet followed him up to his retreat, in 1798, by this letter:—

"I told you when I first wrote to you that unless you would gain your livelihood as a gardener, while you made yourself acquainted with the plants cultivated in the gardens here, I did not mean to get employment for you as a botanical traveller. By so doing I put you in the same situation as Aiton, Lee, Dixon, and Mason were in when they were of your age, all of whom at that period gained their livelihood in the gardens without complaining. How you can be useful as a botanical traveller to send home seeds and plants till you have made yourself acquainted with those already in England, I do not know. We have now several hundreds of such, and to send them again would be idle and useless. You might discover some drug valuable in dyeing or medicine for your own advantage; but unless you are able to benefit your employer as well as yourself, how can you expect employment?

"You are certainly, however, eminently capable of searching the woods with diligence and advantage for dyeing drugs and other matters likely to be advantageous to manufacturers and trade; and that many such things remain unknown in the unexplored wilds

1798
29 Dec. a very fine stratum, eight miles in length and six feet deep, in the neighbourhood of Botany Bay. This circumstance, and the heavy expence which, I understand, is incurred by the public in sending coals from hence to the Cape of Good Hope, have induced me to give directions to Gov. Hunter to dispatch the Buffalo and Porpoise, storeships, which are exclusively appropriated for the service of the settlement, as frequently as possible to the Cape loaded with that article, and to return with live stock to New South Wales. The above vessel will carry 600 ton of coal, the value of which at the Cape, if sent from hence, would, I understand, be about five or six thousand pounds, and they may be expected to arrive there with their first cargo about Christmas, 1799. I am also given to understand that timber of every description is very scarce at the Cape; I therefore take this opportunity of suggesting whether it may not be advisable that the Governor of the Cape of Good Hope should receive your instructions to communicate with Lt.-Governor King, who is about to take his passage from hence in the Porpoise, and will stop at the Cape, with regard to the species and scantling of such timber as may be most wanted there, and which can be sent from New South Wales with great facility and of almost any species.

Coals for the
Cape.

I am, &c.,

PORTLAND.

GOVERNMENT AND GENERAL ORDER.

20 Dec.

20th December, 1798.

Parole—Cleanliness.

Countersign—Healthy.

Polluting
the water
supply of
Sydney.

CONTINUAL complaints are made by the inhabitants of Sydney of the dirt and filth which it is the practice of those who live near the spring to throw into the fresh water, to the great danger of the health of those who use that water. This public notice is therefore given that if any person shall be found to open the paling which surrounds the run of fresh water, or shall wash or steep anything whatever in or above the tanks, they will be immediately taken into custody and suffer such punishment as before a Court or Bench of Magistrates they may appear to merit, and if their house is near or opposite any part of the run of water it shall be pull'd down as a public nuisance.

JNO. HUNTER.

of a country larger than all Europe is a matter of infinite probability. If the gentlemen of Manchester will make a subscription to maintain you in that employment, on such terms as shall be agreed upon between you and them, I will readily become a subscriber, and use my best influence with Government to send you out at the public expense, in which I have no doubt of being successful."

"The failure of that scheme brought him back to Kew drudgery and the proper mode of training, where he remained until his departure for New South Wales, where, as botanical collector, he was wholly supported by Sir Joseph Banks during ten years."

Further information respecting the engagement and pursuits of Caley will be contained in subsequent volumes of these Records.

SECRETARY NEPEAN TO MAJOR-GENERAL BOWATER.*

1798

Sir,

21st December, 1798.

21 Dec.

The Secretary at War having represented to my Lords Comm'rs of the Adm'ty that his Royal Highness the Commander-in-Chief, as well as himself, disapproves the idea of making service in the Army (be the corps or station what it may) a part of the punishment of delinquents, and expressed his doubts whether the sentence passed on John McGinnis to serve for life in New South Wales† be authorized by any law, and their Lordships having therefore thought fit to remit that part of the sentence on the said John McGinnis, I am comm'd by their Lordships to acquaint you therewith, and that they have directed the command'g marine officer at Portsmouth to take him on for duty and to embark him when wanted.

An illegal sentence remitted.

I am, &c.,

E.N.

P.S.—And to signify their direction to you to inform the man that their Lordships have been pleased to remit that part of his said sentence, and to take him on for duty and embark him when wanted.—E.N.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

Sir,

Whitehall, 21st December, 1798.

I have great pleasure in learning from your letter of 6th July, 1797, that strata of coal have been discovered‡ in various places in the neighbourhood of Botany Bay. I trust this circumstance will afford you constant means of employing a considerable number of the convicts in a manner equally advantageous to the settlement and to the interests of the community at large.

Discovery of coal.

As the exportation of coals from hence to the Cape of Good Hope is attended with a very heavy expence to the public, I cannot but think that a great saving may be made by sending them to the Cape from New South Wales in the Government vessels on that station, which are under your command. You will therefore dispatch the Buffalo and Porpoise, loaded with coals, to the Cape as soon as possible after the receipt of this letter, directing them to return with as large a supply of live stock for the use of the settlement as they can conveniently stow.

Exportation of coals to the Cape.

I learn also, from good authority, that timber of every description is very scarce at the Cape. Lieutenant-Governor King, therefore, who goes out in the Porpoise, which stops there, is directed to take that opportunity of informing himself from Lord Macartney of the species and scantling of timber which is most wanted there, for the purpose of enabling you to supply the Cape with that article, as well as coals.

Timber at the Cape.

* The officer commanding the marines.

† Ante, pp. 298, 476, 496 and note, 497, 514.

‡ This information is conveyed in the postscript to Hunter's letter, dated 25th June, 1797.—Ante, p. 237.

1798
21 Dec.
Cattle in
exchange for
coal and
timber.

You will therefore give directions to the persons employed in this service to make the necessary arrangements with the Governor of the Cape of Good Hope for furnishing you with a supply of live stock for New South Wales, in return for the articles you furnish him with for his Majesty's service.

I inclose you a copy of my letter to Mr. Secretary Dundas on this subject.*

Voyages of
discovery.

You will receive from the hands of Governor King copies of Captain Cook's and of Captain Vancouver's voyages, for the use of the Governor of the settlement for the time being. The useful information they contain relative to the coasts of New South Wales must always make them very interesting to you, and on a variety of occasions must render them highly valuable as books of reference.

I am, &c.,

PORTLAND.

PETITION OF PROVOST-MARSHAL FANE EDGE†

To his Excellency John Hunter, Esquire, Captain-General and General Governor of his Majesty's territory of New South Wales and its Dependencies, Captain in the Royal Navy, &c.
The humble petition of Fane Edge, gent'n, Provost-Marshal of Norfolk Island,—

Most respectfully sheweth :—

Acting
chaplain

asks for an
allowance.

That your petitioner, on the departure of the Rev. James Bain, in the month of March, one thousand seven hundred and ninety-four, and at the request of His Honor Lieut't-Gov'r King, accepted such parts of the offices of chaplain of this island as he conceived himself authorized to undertake, and that he still continues to perform the several duties so appertaining. That a very dangerous disorder has long prevailed on the island, and that your petitioner was applied to, and cheerfully, notwithstanding the danger, visited such sick persons as thought proper to send for him, and in many instances offered his services to persons, patients, both in and out of the hospital, and in a word neglected no part of the clerical duty he could possibly undertake. For which service he humbly entreats your Excellency to take his case into your consideration : and should his expectations of some allowance for the said duties be by you considered as reasonable, he further prays you will condescend to take such steps for an allowance accordingly as may to your Excellency appear most meet, which is most humbly submitted by your petitioner, who, as in duty bound, will ever pray.

FANE EDGE,

Provost-Marshal, Norfolk Island.

* The letter will be found on p. 517. ante.

† The figures "1798" form the only clue as to the date of this document.—Ante, p. 96.

PUBLIC WORKS, 1798.

521

STATEMENT of Work executed at the different Settlements during the year 1798.

1798

— Dec.

Men Employed.	Work Executed.
At SYDNEY.	
Nineteen carpenters, wheelwrights, barrow-makers, and labourers.	Built compleatly finished and fitted up two houses for the assisting surgeons; do. a range of houses for the attendants and gardeners to the hospital; made cradles for the two hospitals (they being represented to his Excellency the Governor as being more conducive to health than bedsteads); begun the building of a windmill upon a much larger scale than the former; fitted up a house for divine service, with a pulpit canopy, &c., the former one being burnt; made bedsteads, two tables, &c., for the Judge-Advocate; built the woodwork of a dwelling-house, barn, and various detached offices for Mr. Balmain; two men constantly making and repairing spinning-wheels; set up and prepared for work two weavers' looms; built shed for Govt. boats; made 312 wheel and 54 hand barrows, 597 axe and hoe handles, 4 carts, and 1 waggon; finished the woodwork of a new grannary 100 feet long by 22 wide, and a kiln 30 feet by 22 wide for preserving wheat.
Twenty blacksmiths, tin and copper do., hammer-men, file-grinder, farrier, locksmiths and labourers.	Made 312 West India hoes, 178 grubbing do., 176 syckles, 379 falling-axes, 96 chimney and pott barrs, 37 clawed hammers, 49 cart axletrees, 27 broad axes, 312 sawyers' dogs, 712 harrow-teeth, 32 shovels, 8 sledge and 14 hand barrows, ironwork for the Francis and Sydney, schooners, and all the boats and buildings, 57 door locks and keys, 123 padlocks and keys, repaired 143 locks and 314 keys, 1 forge constantly employed sharpening and repairing tools for stone-cutters, and made 276 frying-pans and 509 kettles.
Twenty-one shipwrights, caulkers, boat-builders, labourers, and watchmen in the dockyard.	Begun building a boat of 28 tons burthen, instead of the Cumberland,* which was stolen away; made 2 new pumps for the Francis, schooner; repaired the Sydney, schooner, and all Government boats; roofed a workshop and storehouse for the joiners, watch-house, and an apartment for the clerk in the dockyard; repaired the Norfolk, sloop; made oars, pumps, spars, masts, and yards for her; built a skilling for Mr. Balmain, the whole length of his house; repaired the longboat of H.M.S. Supply.

* Ante, p. 345 and note.

1798

STATEMENT of Work executed, &c.—*continued.*

— Dec.

Men Employed.		Work Executed.
Tailors.	Four taylors	Made 204 pair of trowsers, 45 coats, 32 watch do., 114 jackets, 47 pairs of breeches, 24 waistcoats, and 41 pair of drawers; repaired 289 pair of trowsers, 212 jackets, 9 pairs of breeches, and 14 waistcoats; made 457 bags for carrying wheat, and 157 for carrying charcoal and lime.
Shoemakers.	Five shoemakers	Made 304 pair of shoes, soaled 502, and repaired 187 do.
Bricklayers.	Nineteen brick and stone layers, plaisterers, and labourers.	Finished the walls of the joiner's shop, &c., in the dockyard; built chimnies, plastered and whitewashed all the buildings in and about the hospital; altered, repaired, built two chimnies, plastered and whitewashed the military guard-house; stopt, plaistered, and whitewashed the house of Ensign Bayly; repaired the house of the late Provost-Martial, and fitted it up for an office of police; set up grates in the hospitals, and at the house of the Rev. Mr. Johnston; built a smiths' shop in the dockyard; repaired, plaistered, and whitewashed the house of Lieut. Pattullo; built the brickwork, chimnies, &c., &c., of a dwelling-house for Mr. Belmain, at his farm; built a chimney and repaired the magazine guard-house; stopt and whitewashed the house of the master shipwright; pulled down and rebuilt the inside of the Judge-Advocate's house; built a chimney and an oven for Connor, the settler, at Kissing Point; erected a battery at Benelong's Point; laid the foundation of a new church; pointed and whitewashed the fortification at Dawes' Point; repaired Lieut. Lucas' house; built the brickwork of a dispensary, storehouse, &c., &c., adjoining the hospital; finished the brickwork of a new grannary 100 feet in length, 22 feet in breadth, and a kiln 30 feet long and 22 in breadth.
Miscellaneous.	One overseer and four men	Constantly collecting, cleaning, and burning shells into lime.
	Two cutlers	One constantly employed by the principal surgeon, in keeping the surgical instruments in order; the other making and grinding knives, scissors, &c., &c.
	One cooper... ..	Constantly employed by Mr. Laycock, the store-keeper, in the provision store, his dwelling-house, &c.
	Nine sawyers	Cutting for all the publick buildings, boats, &c., &c.

PUBLIC WORKS, 1798.

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STATEMENT of Work executed, &c.—*continued*.

1798

— Dec.

Men Employed.	Work Executed.	
One ropemaker and one assistant.	Making cordage for various uses out of curry-jong.	Miscellaneous.
Twenty-four men making of bricks.	Made 12,000 bricks per week.	
Six men making of tiles ...	Made 3,000 tiles per week.	
Two overseers and twelve men to two timber carriages.	Bringing timber to the sawpits, dockyard, &c., &c.	
One overseer and ten men to four carts.	Bringing bricks to the several buildings, grain to the stores, &c., &c.	
Three men splitt'g of shingles	Split 2,000 per week.	
Three men splitt'g of laths	Split 2,000 per week.	
Three barbers ...	Shaving all the servants of Government.	
One saddler and harness-maker.	Making and repairing of harness, collars, &c., &c.	
One bellman ...	Giving public notices, &c., &c.	
One bookbinder ...	Binding books for the Commissary's office, &c.	
One sexton ...	Tolling the bell, digging graves, &c., &c.	
One miller and one assist't	Attending the windmill, grinding wheat for the store, &c., &c.	
Two overseers and twenty-seven men.	Cutting of posts, rails, and rafters; splitting paling; loading and unloading ships, boats, &c.; repairing the roads; taking care of Gov't cattle in the country and at Sydney.	
Two basket and sieve makers.	Making and repairing baskets, sieves, &c., &c.	
One coxswain and eight men.	Belonging to his Excellency the Governor's boat.	
One coxswain and four men	In the longboats, carrying provision to Parramatta, and bring'g grain, boards, &c., from thence.	
One master and five men	In the Norfolk, sloop, carrying provisions, &c., to the Hawkesbury, and bringing grain, cedar, &c., from thence.	
One gardiner and two labourers.	Employed in the garden belonging to Government House.	
One watchmaker ...	Repairing and keeping in order watches, &c., &c.	
One printer ...	Printing public orders, notices, &c., &c.	
One millwright ...	A disabled old man, superintending the building of the new windmill.	
Thirty-six constables and watchm'n.	At Sydney, the Brickfields, and all the adjoining districts.	
One master and eleven men	In his Majesty's schooner the Francis.	
One executioner and one assist't.	He, being a free man, had two men allowed to his farm for his services.	

1798

STATEMENT of Work executed, &c.—*continued.*

— Dec.

Men Employed.		Work Executed.
PARRAMATTA.		
Carpenters.	Ten carpenters, wheelwrights, harrow-makers, and labourers.	Built a grannary for maize, 140 feet long and 46 feet wide; pulled down and rebuilt the watchhouse; repaired the stockyard fence; repaired and fitted up a house for a school; new roofed the hospital; posted and railed round the new erected bridge at Duck River; erected several small bridges on the Sydney road; begun the materials for a water-mill; built a new house for the store-keeper; made and hung gates to the stockyard; repaired the wharf; built houses at Portland Head for the sawyers; made 8 carts, 112 barrows, 2 timber carriages, 16 dozen of syckle-handles, 18 spinning-wheels, 8 clock-wheels, 300 spade-handles, 60 mallett do., 1 waggon compleat, 65 ox yokes, 32 plaisterers' hawks, 576 gimblets' heads, 18 coffins; repaired the church and made a new pulpit; made bedsteads and stools for the military barrack.
Black-smiths.	Fourteen blacksmiths, tin and hammerm'n, file-grinders, locksmiths and labourers.	Made 300 West India hoes, 198 grubbing do., 60 shovels, 30 spades, 345 breeching-chains, 500 falling-axes, 400 harrow-teeth, 304 pair of H hinges, with staples, 97 tom-mohawks, 30 bricklayers' trowels, 98 chimney and pott barrs, 32 clawed hammers, 122 syckles; ironwork for two ploughs; 9 broad axes, 150 sawyers' dogs, 9 sledge and 36 hand hammers, 24 cart axletrees, 34 pitchforks, 52 pair of beetle rings, 37 shingling-hammers, 32 saw-tillers, 29 door locks and keys, 142 padlocks and keys; repaired 13 door and 79 padlocks; streaks and nails for carts and timber carriages; 13 kettles and 105 frying-pans; one forge employed sharpening of tools for the stonemasons, quarrymen, &c., &c., &c.
Masons.	One mason, one plaisterer, and two labourers.	Plastered and whitewashed the houses of Lieut. Cummins, the Revd. Mr. Maresden, and Mr. Livingston, the stock-keepers' huts, the dispensary and guard-houses; built new chimnies at the military barrack, guard-houses, and hospital; repaired, plastered, and whitewashed the storehouses and grannaries; plastered, whitewashed, and built 2 chimnies to 2 huts at Portland Head; made 66 hearth and 25 grindstones, 12 chimney-pieces, and breaking out stone for various uses.

PUBLIC WORKS, 1798.

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STATEMENT of Work executed, &c.—*continued*.

1798

— Dec.

Men Employed.	Work Executed.	
One overseer and four men	Constantly collecting, cleaning, and burning shells into lime.	Miscellaneous.
One overseer and four men	Burning charcoal for smiths, &c.	
Six sawyers	Cutting for all necessary uses.	
One overseer and twelve men	Bringing timber to the saw-pits, maize from the wharf, stockyard, and grannary to the publick store, charcoal to the smiths, mangrove to the wheelers, provision to Toongabbee, wheat from the ninety acres.	
Four taylors	Made 152 pair of trowsers, 200 frocks, 41 jackets, 22 pair of breeches, 312 bags for wheat; and occasionally called out to other work.	
Three shoemakers ...	Made 145 pair of shoes, soaled 205 and repaired 418 do.	
Twelve men making bricks	Made 6,000 bricks p. week.	
Six men with oxen to two timber carriages.	Bringing boards, &c., from the saw-pits to the several buildings, grain to the store, and to the wharf for Sydney.	
Four men with oxen to two carts.	Bringing wood to the barracks and guard-houses, brick to the several buildings, grain to the store, &c., &c.	
Two barbers	Shaveing all the servants of Government.	
Two bakers	Bakeing for do. do.	
One gardiner and one assist't	At the garden belonging to Government House.	
One man	Attending to ring the bell that assembled the people to work.	
Eighteen men	Takeing care of Government cattle.	
Eight men	Old and feeble; takeing care of the huts when the people were at work.	
One do.	Made six dozen of brooms per week.	
One do.	Makeing and repairing sieves and baskets.	
Eighteen constables and watchmen.	At Parramatta, the North Boundaries, and the adjacent districts.	
TOONGABBE.		
Seventy-six men	Repaired and fitted up a house for the reception of a military guard; repaired, plaistered, and whitewashed the superintendant's and all Gov't houses; chipped and harrowed in 922 bushels of wheat; sowed in 461 acres of ground; erected several wheat-mows; repaired the roads and diff't bridges between hence and Paramatta; husking and housing of maize, threshing of wheat, &c., &c.; new thatched all the huts; repaired, plaistered, and whitewashed Doctor Kelly's house.	General labourers.

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1798

- Dec.

Carpenters, To
v
a

Black-
smiths, T

Masons,

GOVERNMENT AND GENERAL ORDER.

1799

1st January, 1799.

1 Jan.

Parole—Health.

Countersign—Prosperity.

MR. JOHN GOWAN is appointed storekeeper at Sydney, in the room of Mr. William Stephenson, deceased.

JNO. HUNTER.

A store-keeper.

SIR JOSEPH BANKS TO DR. W. ROXBURGH.*

My Dear Sir,

Soho Square, 7th January, 1799.

7 Jan.

I have seen your son, and am much pleas'd with his open and honest countenance. Mr. Ormes, his uncle, and the gentleman to whom his education was entrusted give him the best of characters. I can do nothing for him yet, because the present Chairman† does not like me, but he will soon pass away, and it is great odds but that he is succeeded by some friend of mine. Be assured no opportunity shall be pass'd by to serve him, and that, unpleasant as the delay may appear to you, I only wait for a good opportunity, which is likely ere long to present itself.

Sir Joseph Banks.

I send with this a duplicate of my last and a copy of Bruce's book respecting the culture of the clove. I also send two quarters of new hemp-seed, the quality of which I have taken some pains about. I send also two quarters more by the Porpoise, storeship, which takes our Governor King, and which were put on board before I knew of your son's intention so soon to leave us.

Seeds.

If any of the numerous plants sent home to Kew by Smith are alive it is more than I know. All the nutmegs are quite dead both at Kew and in the other gardens, as far as I know. They were all seedlings, and such you know seldom fare well at sea.

Plants.

Allow me to recommend to your notice Gov'r King, of the Porpoise, and a lad also who goes with him as a gardener (Geo. Caley), for he has three gardeners on board, all I believe very good fellows; but Caley has more genius than both the others. Gov'r King carries with him a little conservatory of plants for New South Wales, which I fear will arrive in bad condition, as the ship has been delayed a long time and the season is very cold now. Any assistance you can give him in replacing the useful plants that have died, or getting others likely to be usefull to the colony, will be thankfully acknowledged.

P. G. King.

I have directed Caley to attend principally to the plants on that peninsula between False Bay and Table Bay, which I believe has not been so much examined as the more distant parts. Our botanists used to travel 100 miles at least before they thought it

George Caley.

* William Roxburgh, a surgeon in the service of the East India Company; principally celebrated for his botanical labours in India. The publication of the work now known as *Roxburgh's Coromandel Plants* was undertaken by Sir Joseph Banks at the request of the Court of Directors. Roxburgh died in 1815, and a complete edition of his *Flora Indica* was published by his sons in 1832.

† Sir Joseph Banks apparently refers to the Chairman of the East India Company.

1799

7 Jan.

worth their while to begin their collections. Groote Vaaders Bosch, a few miles from Schivellendam, is, I am told, one of the most productive spots for a botanist in beautiful trees and shrubs. I have several specimens from thence, but we have received very few seeds. An excursion there in autumn, when the seeds are ripe, would produce, I have no doubt, a very valuable return.

Lord
Macartney.

I conclude that Lord Macartney has left you.* I heartily hope you may fall into as good hands. His Lordship favor'd science always, and I cannot say that in general the military pay so much attention to us poor philosophers as I am sure they will do when our value is better understood.

I have received the 1,200 drawings.

JOS. BANKS.

GOVERNMENT AND GENERAL ORDER.

8 Jan.

8th January, 1799.

Parole—Chester.

Countersign—Liverpool.

The Civil
Court.

THE Civil Court which had been adjourn'd from the 20th Dec'r until this day is farther adjourned, on account of the ill-health of the Judge-Advocate. Timely notice will be given of the time when it will again meet.

The Governor desires that on Tuesday, the 15th instant, the following officers will meet him upon public service, in the Court-house at Sydney, at 10 o'clock in the morning, viz. :—The Commanding Officer and Captains of the New South Wales Corps, the Commanders of his Majesty's ships, and the First Lieutenant of the Reliance, the two clergymen, the Principal Surgeon, the Surveyor-General of Lands.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDERS.

15 Jan.

15th January, 1799.

Parole—Lisbon.

Countersign—Tagua.

The Queen's
Birthday.

FRIDAY, the 18th, being the day appointed to be observed as the birthday of her Majesty, the New South Wales Corps will parade at 12 o'clock, and fire three volleys, in honor of the same; and the batteries on the west and east points of the Cove will, between them, make up a royal salute (twenty-one guns), the military firing the guns on the west point, and the seamen of the Supply those on the east.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

16 Jan.

16th January, 1799.

At a meeting of the Governor and the principal officers of the colony—civil, military, and naval—to consider of various matters

* It would appear from this that Dr. Roxburgh, when this letter was written, was located at the Cape of Good Hope, of which Lord Macartney was Governor.

of a public nature, amongst others it was the unanimous opinion that the Patent for establishing our Court of Civil Jurisdiction, in the clearest manner, has expressed "that the Civil Court only was competent to decide upon all pleas of debt." 1799
16 Jan.
Pleas of
debt.

The Civil Magistrates will therefore hereafter be relieved from that duty, and will have chiefly to attend to those of the Justice of the Peace; they will, however, use their utmost endeavours, as far as their influence can be effectual, in recommending the settling of trifling debts by arbitration, and thereby prevent such vexatious litigation.

JNO. HUNTER.

THE TRANSPORT COMMISSIONERS TO UNDER SECRETARY KING.

Sir, 18 Jan.
Transport Office, 18th January, 1799.

We beg to inclose to you, for the information of his Grace the Duke of Portland, the copy of a letter which we have received from Mr. James Duncan, broker for the Minerva, convict ship, engaged by this Board pursuant to the direction of his Majesty's Treasury so long since as the month of March last; and we also think it right to state that the Minerva has been at Cork ever since the middle of August, at an expence for demurrage, already incurred, of upwards of two thousand pounds. The
transport
Minerva

Our agent at Cork has been repeatedly directed by us to remind the Irish Government of this unusual detention.

We are, &c.,

RUPT. GEORGE.

AMBROSE SERLE.

WM. AY. OTWAY.

[Enclosure.]

JAMES DUNCAN TO THE TRANSPORT COMMISSIONERS.

Hon'ble Sirs, Great Tower Hill, 15th January, 1799.

The ship Minerva, taken up by the Board last March to carry convicts from Ireland to New South Wales, but still detained at Cork without a single convict yet put on board; in consequence of such unexpected delay on the part of the Irish Government, and the inevitable ruinous voyage the owner must experience from such delay (demurrage being but a small proportion of the expences attending so long a voyage), the owner begs the Board will be pleased to take his very hard case into consideration, and allow him an imprest upon the extensive growing demurrage, a proportion of the freight to be paid on her sailing, and the provisions supplied the guard from the 16th May, the day they embarked, at full allowance, as per the Board's orders. delayed at
Cork.

I am, &c.,

JAMES DUNCAN.

1799

G. CALEY TO SIR JOSEPH BANKS. (Banks Papers.)

19 Jan.

Sir,

19th January, 1799.

Caley's
expenses.

Knowing that you were indisposed causes me to trouble you with a note. By the ship being detained longer than what I expected urges me to apply to you for more money. However, should it be disagreeable by troubling you at the present, I can make free with the £5 note that you let me have a short time since, but this is not to call my own, but what I have to remit to Manchester.

The
Porpoise in
the Downs.

Gov'r King intended to have set out [for] Portsmouth to-day, but as the wind has changed he is prevented; and as there is no likelihood of a change of weather the ship may remain in the Downs for a series of days yet, by which I mean to return to Chelsea, for by living in town it is more expensive, and what is still worse, I am out of my element.

The greatest expence that will occur to me will be the carriage of the parcels and the fare to Portsmouth.

Should I have to leave London without seeing you, let me excite your attention for a few minutes longer.

Caley's
activity.

After having explored as much of New South Wales as I am capable of, that if an opportunity offers of visiting the different islands in the Pacific Ocean, that I may be permitted to go; for my mind is of this nature, that when nothing new occurs the situation begins to be unpleasant, except my place of birth; therefore, while I am away from home I wish to visit as many different parts and to make as many discoveries as my circumstances will admit of, for I am thoroughly sensible that I am in the prime of life, and by oftentimes hearing veterans talk of what they were capable of doing when in their youthful days has strongly imprinted on [my] mind "make much of time."

I am, &c.,

G. CALEY.

GOVERNMENT AND GENERAL ORDER.

21 Jan.

21st January, 1799.

Parole—Canso.

Countersign—Gaspey.

Agriculture
and live
stock.

THE Governor desires that the officers, settlers, and others engaged in farming will give him a return of what quantity of wheat they may have reaped from their last harvest, as near as they can estimate, and also what ground they may now have planted with maize. He also desires a return of live stock.

The officers will forward their returns to Captain Johnston, and the constables of the different districts are desired to collect those of the settlers, &c., and forward them to the nearest magistrate, who is requested to send them address'd to the Governor.

The Governor wishes to have these different returns by the first day of February.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

1799

25th January, 1799.

25 Jan.

Parole—Integrity.

Countersign—Sincerity.

THE filthy condition in which the spring-water in the tanks is so often reported to be kept in, by those who live near having repeatedly broke down the paling which surrounds them, or left it open when broke by accident, for the admission of hogs, this notice is given that none may plead ignorance : That such hogs as may be found hereafter within that paling will be liable to be destroy'd ; and whenever the paling is found torn down it will be order'd to be repaired at the expence of those who may inhabit the house nearest to the fractured part. And if any person shall presume to dam up the water above the tanks, or dig wells so near as to prevent that supply so requisite for the public use, will be immediately prosecuted with the utmost severity.* JNO. HUNTER.

The Tank Stream.

LORD CASTLEREAGH TO UNDER SECRETARY KING.

Sir,

Dublin Castle, 31st January, 1799.

31 Jan.

I have received the honor of your letter of the 19th inst., relative to the delay in the shipping of the convicts per the *Minerva*, transport ship. The situation of the country during the rebellion rendered it impossible to transmit the convicts from several of the gaols, but they are now assembled at Cork, and will be immediately embarked. As soon as the account of the expenses which have been incurred is received, directions will be given for their discharge.†

The transport *Minerva*.

I have, &c.,

CASTLEREAGH.

GOVERNMENT AND GENERAL ORDER.

1st February, 1799.

1 Feb.

Parole—Just.

Countersign—Honest.

AN Order was given out on the 18th June last† directing that all measures, whether dry or liquid, be brought to the Government Store at Sydney, there to be proved and marked, and informing that whoever was found to make use of any measure without such stamp wou'd subject themselves to a prosecution.

False weights and measures.

This Order was given for the purpose of putting a stop to a species of robbery practis'd by dealers and boatmen, which had been complained of and detected at that time, viz., that of selling

* This was the fifth time Hunter had to allude in his "Orders" to the pollution of the Tank Stream. See Government and General Orders of 22nd October, 1795, Vol. II, p. 326 ; 25th January, 1796, ante, p. 10 ; 2nd May, 1797, ante, p. 206 ; and 20th December, 1798, ante, p. 518.

† A number of convicts were placed on the *Minerva* on the 18th February, 1799 (see Memoirs of Joseph Holt, vol. II, pp. 24-28). In July, 1799, we find the owner complaining that there was no prospect of her being despatched, and that she had been delayed for fourteen months. She sailed on the 24th August, 1799, and arrived at Sydney on the 11th January, 1800. Amongst her compulsory passengers were General Holt and Father Harold (ibid, pp. 42, 57).

‡ Ante, p. 406 This Order was supplemented by one issued on the 6th August.—Ante, p. 447.

1799

1 Feb.

by a small measure and buying by a large one. It is now a second time directed that all measures of the above description be regularly stamp'd at the Government Store at Sydney before they are used. If any are found in use without such a stamp, after due time being allowed for this information becoming public, the proprietor will be subject to a prosecution.

J^{no}. HUNTER.

SIR JOSEPH BANKS TO GOVERNOR HUNTER. (Banks Papers.)

My Dear Sir,

Soho Square, 1st February, 1799.

Seeds and
plants.

I have to thank you for innumerable marks of your attention, for which I beg you to be assured that I am very grateful. I have received seeds and specimens by Capt. Raven,* and since by another ship, the former of which were sent to the Royal Gardens as a present from you; the latter I keep in my own collection.

European
politics.

You have been very friendly in writing to me the very particular account I have received from you of the state of things in your colony.† I grieve to observe that matters go on so ill, and I am mortified that so little has been done towards putting you more at your ‡; but be assured that the situation of Europe is at present so critical, and his Majesty's Ministers so fully employed in business of the deepest importance, that it is scarce possible to gain a moment's audience on any subject but those which stand foremost in their minds, and colonies of all kinds, you may be assured, are now put into the background.

Importance
of the
colony.

Persevere, however, my good sir, in the manly, honest, and open conduct you have hitherto held, and you must in time prevail. Your colony is already a most valuable appendage to Great Britain, and I flatter myself we shall before it is long see her Ministers made sensible of its real value. Rest assured in the meantime that no opportunity will be lost by me of impressing them with just ideas of the probable importance to which it is likely before long to attain, and to urge them to pay to it that degree of attention which it clearly deserves at their hands.

A young
botanist.

I have recommended to you by a separate letter a young man whom I have sent out to assist in investigating the produce of your country. He is hardy and bold. His skill in botany is much beyond what his appearance promises, and he has some smattering in other sciences. The Duke has been pleased also to recommend him to your good offices, and I hope and trust he will not prove unworthy of the patronage I trust you will afford him, or disgrace the recommendation I have ventured to give him.§

* Captain of the Britannia.

† This "very particular account" is, unfortunately, lost. It is evident that Hunter kept Banks well posted in the concerns of the colony. See Banks to Hunter, 30th March, 1799, ante, p. 302.

‡ Blank in the manuscript.

§ Apparently Banks alludes here to George Caley.

With Capt. King you will receive, I hope, a considerable supply of plants likely to be usefull to your growing colony.* If the bitter frost, which has now vexed us for near a month while the ship has been out of my reach, has not destroyed them, you will have grapes of most of the sorts from whence the valuable wines of Europe are made. These, I hope, will encourage you to plant vineyards, and some of them surely will produce marketable wine.

1799

1 Feb.

European plants.

Allow me to recommend the person who has been employed to attend to these plants and carry them out. He has had no pay from Government, but has undertaken this task merely on condition of being allowed to go out as a settler. He is an honest, hardworking, industrious, and ingenious lad. He wishes to settle as a market-gardener, and carries out with him a good assortment of seeds. If he pleases you, and you can be so good to him as to settle him in some low spot of good land convenient for water carriage to transport his goods to your town, I think I may venture to promise that he will thrive. You will find him honest and trusty, so that I hope he may in other matters make himself usefull to you.

A gardener.
(George Suttor.)

I have one more favor to beg of you. There are among the convicts who proceeded in the Hillsborough two brothers of the name of Wilkinson, who come from the town of Consby, in my neighbourhood, in Lincolnshire. They were convicted of maiming a cow, and transported for that offence. I do not mean to vindicate the act, but I really do think it a venial crime when compared to robbery, burglary, and most of those which your subjects have been guilty of. These young men must make their country amends by working with you for the public. All I have to request is, if you find them, as I hope they are, not ill-disposed, and if they conduct themselves as lads whose morals have not been quite destroyed ought to do, that you will now and then give them a cheering word, and tell them that by continuing a good conduct they may sometime revisit their country and their friends.

Transportation for maiming a cow.

JOS. BANKS.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

83, St. George's Square, Portsea,

Dear Sir,

6th February, 1799.

6 Feb.

Notwithstanding the badness of the weather, and the uncertainty of the Porpoise's arrival, we arrived here on Monday night, and were fortunate enough to hear of the Porpoise's arrival the next day. She was out during the whole of the gale, and

H.M.S. Porpoise and the plant-cabin.

* These plants were shipped on H.M.S. Porpoise, but most of them had to be replaced. The vessel did not sail until 17th March, 1800. She arrived at Sydney on the 7th November following.

- 1799 made extreme bad weather. The master* is so much alarmed at
6 Feb. the crankness of the ship that he has found it absolutely necessary
to write officially to the Navy Board, and has stated the necessity
there is for removing the plant-cabbin from the quarter-deck, and
has suggested the propriety of its being placed in the 'tween decks,
abreast of the mainmast, to be secured by stantions and nettings.
A source of The instances he gives of the great hazard attending the weight
danger. of the garden being so high up, joined to her shortness, and the
impossibility of her carrying any sail, seems to have rendered his
present application absolutely necessary, as the only means of her
being rendered at all seaworthy.†
- Position of Should the Navy Board see the necessity for this request being
the plant- agreed to, I shall very much lament the disappointment that will
cabin. attend your benevolent exertions and endeavours to benefit a
place that owes so much to your bounty and well-directed efforts,
which I fear will be frustrated in the present instance, unless you
think the plants can have a chance by being placed between decks.
It is true they will be greatly excluded from the benefit of the air,
except what will come down the main hatchway in fine weather,
and be subject to the leaking of the decks; but this may be
obviated by a painted canvas fixed over the garden, the covering
of that now appropriated for the gardner [on] the quarter-deck.
Captain Capt. Phillip, who is now standing by me, says that he has no
Phillip. doubt, if the Atlantic had been able to furnish a tarred or painted
canvas to cover the plants, but that the most part of those he
brought from N.S.W. would have arrived home.‡ The precautions
they took, and those he would have taken if he had the means, he
has communicated to me, and I shall be happy to give my assist-
ance in making that alteration.
- The garden. The master informs me that Souter [Suttor] has been extremely
ill on the passage, but that Gearish had attended the garden, and
that most of the plants appeared dead, which, I suppose, is only
occasioned by the rest the plant is at. I hear nothing of the
convoy, but shall go on board as soon as the weather moderates,
to look at the garden, &c., when I shall write to you again, by
which time, I imagine, the master will have received the Board's
answer to his letter.
- Phillip Capt. Phillip desires me to present his compliments to you, and,
and Banks. as he comes to town soon, he intends waiting on you. I beg to
add mine as well to yourself, Lady and Miss Banks, and am, with
every respect and gratitude,

Yours, &c.,

PHILIP GIDLEY KING.

* William Scott.

† A remarkable resemblance will be noticed between the case of the Porpoise and that of Cook's vessel, the Resolution, which had also to be cut down to make her less "crank."—See Vol. i, part 1, pp. 352 *et seq.*

‡ Governor Phillip left Sydney in the Atlantic in December, 1792.

I have executed Mr. Greville's commission respecting the cask of things belonging to Sir Wm. Hamilton,* of which I will endeavour to write him by this post. 1799
6 Feb.

G. CALEY TO SIR JOSEPH BANKS. (Banks Papers.)

Sir Joseph, Portsmouth, 9th February, 1799. 9 Feb.

I am sorry to inform you that when I came to unpack the parcels, in order to sort out those that would be most convenient when at sea, I missed the microscope, though I thought I had took more care of it than any other article. A micro-
scope

The last parcel that I sent by the waggon, Gov'r King was in exceeding great haste, so that the few remaining things that I had got were packed up in great haste. I brought the box to the Governor immediately, but found that the box not being above half full, I took it to a carpenter's shop in Little Suffolk-street, Haymarket, and filled it up with shavings, at which time it might get misplaced, for I recollect very well putting it in the box at the public-house called the British Museum. The said carpenter or packing-case-maker made the Gov'r several boxes, and furnished him with a cart to take parcels to the Waggon Inn. If it is lost, I have great reason to think it must be at this place, but enquiry might be made at public-house; but, after all, I cannot think that I can have lost it, for I paid more attention to it than any other article; probably I may have overlooked it with being hurried; but as I shall not have an opportunity of unpacking the cases till I arrive at New South Wales, sure and not sure, is doubtful to depend on; however, I am very uneasy about it. lost when
packing
cases.

Mr. Dickson was with me when I bought it. I am very discontent that I have not an opportunity of examining the parcels again, for if another is procured, and then, or after, I find the first one, that will in one sense be money thrown away, and to go without one in this dilemma is running a great risk.

Since I have been at Portsmouth I learn from people that have been in New South Wales that they have been apt to get lost in the woods, and to remedy this evil they say nothing is so good as a watch in cloudy weather, by which they know at what time to return. A watch is a thing that I have never paid an attention to, as thinking such a subject of no utility to me; but as I intend to travel farther into the woods, as well as other places, than what others have yet done, if you think it of any great utility I should like to have one. Lost in the
bush.

* Sir William Hamilton, uncle of the Hon. Charles Greville, was an intimate friend of Sir Joseph Banks. He wrote several works on antiquities, and at the time this letter was written was British Ambassador at the Court of Naples. It was while Sir William Hamilton held that office that Lord Nelson met the celebrated Lady Emma Hamilton, and formed that attachment which ripened into one of the most prominent *liaisons* of English history. See Jeaffreson's "Lady Hamilton and Lord Nelson."

1799
9 Feb.
Caley ready
to start.

If Mr. Ramsden has compleated the pocket-sextant, I wish it could be forwarded, as I have heard the ship may sail in a few days, or perhaps not till the middle of next month; but after I have got what I here mention she cannot sail too soon for me, for I long to have a botanical excursion in a foreign part. I have not yet been on board, though she is lying near Spithead. I am, &c.,
GEO. CALEY.

His outfit.

P.S.—I shall write to Manchester for some shoes and a few other things, and shall order them to be directed to you, with their demands, whereby I humbly request you will remit the money to my father, William Caley, horse-dealer, Parsonage, Manchester.

THE NAVY BOARD TO SIR JOSEPH BANKS.

Sir,

Navy Office, 9th February, 1799.

Unseaworthy
condition of
H.M.S.
Porpoise.

Having received a letter from Mr. Scott, commanding his Majesty's armed ship Porpoise, under orders for New South Wales, stating that on his passage round to Portsmouth he found her so very crank as to be scarce seaworthy, owing to her great top-weight, which he is of opinion can only be remedied by removing the plant-cabin from the quarter-deck, we send you, enclosed, a copy thereof; and as it appears necessary to lighten the upper part of the ship, we judge it proper the plant-room on the quarter-deck should be taken away. We therefore request to have your opinion on the propriety of placing it between decks, in the manner Mr. Scott has proposed. We are, &c.,

C. HOPE.

J. HENSLOW.

A. S. HAMOND.

[Enclosure.]

MR. SCOTT TO THE NAVY BOARD.

Honorable Gentlemen, Porpoise, Spithead, 6th Feb., 1799.

Passage
from the
Downs to
Spithead.

In my letter of yesterday's date I informed you of the Porpoise's arrival at Spithead, and that I should write more particularly by this day's post; therefore beg leave to represent the condition of his Majesty's armed vessel Porpoise, which has occurred during her passage from the Downs to this place, in doing which I beg to request your Honorable Board's indulgence, and that the nature of the voyage she has to perform, and the heavy seas she has to go thro' between the Cape of Good Hope and the south cape of New Holland, will plead my excuse for any unintentional impropriety I may commit in thus respectfully submitting this statement to your consideration.

A crank
vessel.

By my reports to your Honorable Board after being obliged to put back to Sheerness with the loss of two anchors, I beg to recall your attention to the crank state of the Porpoise, as I have no doubt she would have reached the Downs long before the gale

became so violent had she been stiff enough to have stood under a very moderate sail, instead of which I had the mortification to see several small vessels pass me with all their small sails set, while the Porpoise would not bear her mainsail or topgallant sails. As the hold was stowed under my own inspection before the ship left Deptford, I can safely assert that her crankness was by no means owing to any improper stowage; but on being supplied with the twenty tons additional iron ballast, in order to place it to the best advantage, I unstowed great part of the hold, and placed the weight as low as possible.

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9 Feb.

It being light winds on my second passage to the Downs, I could not form much judgement of the effects of the iron ballast and restowage of the hold, but she appeared rather stiffer, altho' still very tender; and in this place I beg to observe the pilot refused taking charge of the ship unless means were taken to make the ship stiffer, and that she had more men to work her, as he found it impossible to weigh the anchor. By my letter of yesterday's date I had the honor of informing you that by Admiral Peyton's orders I took charge of a convoy of eighty-four merchant ships, and sailed from the Downs the 30th ult., the wind E.N.E. The ship's draught of water at that time was 15 ft. 11 ins. forward, 16 ft. 6 ins. aft. After getting round the foreland, I observed that the Porpoise sailed very bad—that almost the whole of the convoy were under their topsails, whilst the Porpoise was carrying every sail that could be set.

The second passage to the Downs.

In the evening the wind veered to the northward; in the night it fell little wind, and in the morning a breeze sprung up from E.S.E., from that to S.E., and before daylight it came on to blow so very hard and extremely thick that I did not think it prudent to attempt running for Spithead with a large convoy. I therefore hauled to the southward, and brought the ship too, in hopes the weather would clear that I might see the land. On Friday evening, the weather moderating a little, I endeavoured to make the land, and stood in to nineteen or twenty fathoms. At the close of the evening, not being able to make the land, I hauled to the southward again, as did the convoy. Next morning (Saturday) I stood in and made Dunnose, bearing N.W., the wind being N. by E. I used every endeavor to get to windward with the remainder of the convoy, most of which had parted company in the different gales.

Thick weather.

All the other ships in company were considerably to windward of us on Sunday morning, except one West Indiaman, which was to leeward, under single-reefed topsails, courses, and maintopgallant-sails, whilst the Porpoise could with difficulty carry close-reefed topsails, foresail, main and mizen staysail, owing to her extreme crankness, which by no means made the sail I have already described adviseable to carry, had I not been anxious to

A bad sailer.

1799
9 Feb.
—
The
apparent
cause.

get the ship to an anchorage, and its being daylight. Having stated these circumstances to your Honorable Board, I humbly beg leave to offer an opinion that I do not think the inconvenience of her extreme crankness, and consequent bad sailing from not being able to carry sail, can be remedied by any other means than by removing the plant-cabin from the quarter-deck, where I humbly conceive it acts as a very powerful lever, its weight being five tons, and placed so very high that I hope the propriety of this remark will appear so obvious as to merit your attention.

I also beg leave further to state that the 'tween decks is filled from the aftermost part of the main hatchway, close aft the bulk-head of the gun-room cabins, with bales of cloth, &c., and from the foremost part of the fore hatchway with light cases of a very large size, containing weavers' tools, spinning-wheels, &c., which occupy almost the entire 'twixt decks.

Removal of
the plant-
cabin.

As I understand a ship is taken up, and that other ships are taking up in the river to go to New South Wales, I humbly beg to suggest the propriety of part of those articles being landed here or sent by one of these ships, and a place built on each side of the mainmast, betwixt decks, for the reception of the plants, which may be composed of stantions, with a netting.

By this means the lever will be removed from the quarter-deck, and the weight brought lower down, which, I hope, would make the ship much stiffer and more seaworthy than she now is.

I am, &c.,

Wm. Scott.

SIR JOSEPH BANKS TO THE NAVY BOARD.*
(Banks Papers.)

11 Feb. Honorable Gentlemen, Soho Square, 11th Feb., 1799.

In answer to the letter† I had the honor to receive from you yesterday, enclosing one from Lieut. Wm. Scott, commander of his Majesty's ship Porpoise, I beg leave to acquaint you that having myself little experience in the management of plants placed between the decks of a ship, it is impossible for me to be answerable for the success of the measures proposed by Lieut. Scott of removing the plants intended for New South Wales from the cabin erected for their accommodation to the space in the 'tween decks between the main hatchway and the bulkhead of the gun-room.

Removal of
the plant-
cabin.

Previous
experi-
ments.

I once sent a cargo of plants from the Royal Gardens at Kew to St. Petersburg. They were stowed in the hold of a small vessel, and all of them arrived safe at Cronstadt, tho' they had a long and boisterous passage. I have also frequently received living plants from the East Indies that have been preserved

* Draft of a letter in Sir Joseph Banks's handwriting, but unsigned.

† Ante, p. 536.

during the long passage from thence to Europe in the cabbins of passengers. I am therefore of opinion that in case good care is taken of the plants in their intended situation between decks, and all opportunities of giving them air made use of, that the largest part of the cargo will arrive safe at its destination, unless the passage is unusually unfortunate; and as there are three professed gardeners on board, it will be easy to have the whole of the boxes, which are only eighteen in number, brought upon deck on all proper occasions of mild weather, and taken down again on the smallest appearance of a gale.

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11 Feb.

I beg leave, however, to remark that the weight of five tons, supposed to be that of the plant-cabbin and its contents, seems to me to be a conjecture far above what the real weight is, and therefore to request that, before the plant-cabbin is removed from the place where it now is, one of the eighteen boxes may be weighed, and also such parts of the plant-cabbin as can be separated from it, and an estimate formed by the carpenter, or some other proper officer, of the real weight, for the information of your Board. If it should prove to weigh not more than half what it is estimated at, it is possible that as no part of it is raised above the ———* of the sides, and it therefore cannot hold any wind, and as the weight of it lies exactly in the center of the deck, that the crankiness of the vessel may be owing to other causes, and the usual remedy of a doubling be found necessary, even after the plant-cabbin has been taken away.

Weight of
the plant-
cabbin.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.
(Banks Papers.)

4, St. George's Square, Portsea,

Dear Sir,

11th February, 1799.

I received yours of the 9th yesterday, and should have answered it by return of post, but waited to see Mr. Scott, or go on board myself to make the proper enquiries of him respecting the weight of the garden, &c., but the weather being very bad I have not been able to go off, nor Mr. Scott to come on shore. I lament very much the necessity there appears for removing the garden, as the loss to the colony will be very great, and the benefit that would have resulted from your bounty and labour to that part of the world be entirely done away.

The plant-
cabbin on
H.M.S.
Porpoise.

The complaint against the ship by Mr. Scott, who I have not seen since his first landing (as he returned on board immediately after), is her bad sailing and not answering her helm when going large, also her extreme tenderness and inability to carry sail. The instances he gave me of this was that when going large with a fresh

Sailing
qualities of
the ship.

* Word illegible.

1799 11 Feb.	gale at E.N.E. he had all his square and flying sails set, whilst nearly the whole of his convoy, eighty-three sail, could with difficulty be kept astern of him, they having little and no sails set; and that, whilst going large, his ship frequently yawed so much against her helm as to make the vessels near him run foul of each other. As the garden has nothing to do with this, I shall pass on to her extreme crankness. After the Porpoise and a great part of the convoy were driven past Dunnose, and had to beat to windward, when the gale moderated Mr. Scott found it hazardous to carry double or close-reefed topsail, foresail, maintop and mix stay-sails, whilst a vessel considerably to leeward of him soon got to windward, carrying whole topsails, maintop-gallantsail, and courses, which inability of carrying a proper press of sail might be of serious consequences on a lee shore, from which it would be impossible to beat off, and therefore recommended the garden being removed from the height it was placed on to the 'tween decks as a probable means of making the ship more stiff. As near as I can recollect, the above is the substance of Mr. Scott's observations respecting the bad qualities of the ship.
Her crank- ness.	
Construc- tion of the vessel.	Respecting her bad sailing and steerage, they may, in some measure, be improved by consulting her trim when in moderate latitudes; altho', from the construction of the ship, I never formed any idea of her sailing, even tolerably, which, perhaps, would have been the case had ten feet been added to her length. However, as this does not concern the garden, I will give you my ideas on that head, in which I may make an error of a few inches in the dimensions I am about to state, as it is entirely from recollection; however, imperfect as it may be, it will serve to give you some idea of the ship. From the bends to the top of her gunwale is about 10 feet 6 inches, and from abreast of the mainmast close aft she has a bulwark or barricaded quarters about 8 inches thick and about 6 feet high, including the sheer-rail, which makes about 16 feet topworks abaft the mainmast, and 10 feet 6 inches forward. As she drew ———* when she left the Downs, the proportion of the topwork out of the water to that below it—before the mainmast—i.e., 10 feet 6 inches—is by no means too great; but it appears equally evident, and as confirmed by the trial of the ship, that the great height and weight of upper works abaft the mainmast, and the weight of the garden, must greatly contribute to the crankness complained of, which will be sufficiently obvious when her shortness and depth are considered. When I saw Mr. Scott he told me that he had calculated the weight of the boxes, &c., to be five tons (calculating from the weight of one box), and the garden ———† &c., at another ton. This certainly is a great weight at the extremity of the axis in a heavy sea and strong wind. But how far that may be remedied by the following steps, without removing the garden, must depend on the Navy Board's
Her measure- ments.	
Weight of the plant- cabin.	

* Blank in manuscript. † Word illegible.

deliberations on the master's observations; and I am sorry that I have not seen Mr. Scott to consult him on it, before I mention it to you, in case the Navy Board should communicate with you on the subject. No man could express more concern than did the master at the necessity of making his statement to the Board, both to myself as well as Capt. Phillip, who was present, and lamented this disappointment in the event of the garden being removed, having promised himself the satisfaction of carrying so rich a treasure to that colony. Since seeing him the first day of his arrival, it has occurred to me that the utility of the plants to the colony merits the garden being continued where it is if possible, as their existence in any other situation is very doubtful. I have also thought that the great height and weight of the quarters above the sheer-rail abaft the mainmast might be dispensed with in a vessel not designed for fighting, as it must greatly operate against the vessel's stiffness, and being enabled to carry such sail as events might require in particular situations. I should therefore propose all that barricading to be taken away and wooden or iron rails or stanchions being put in its place, with a netting and weather-cloth; there might, also, be braces to these rails or stanchions to stow hammocks in occasionally. This change and more iron ballast might, probably, do away the inconvenience attending the garden; and if the ship should eventually be in such a situation that the garden might endanger her safety, let its contents be thrown overboard, if no room can be prepared for it below, for certainly the benefit of the plants to the colony is worth that risk, and it is not clear that removing the bulwark (in the colony) may not be necessary when the ship has not so much to keep her down in the water as she has at present. There is one circumstance I have omitted answering to your letter: The top of the garden is rather lower than the top of the barricades.

In having made this statement I fear I have said too much, being only a passenger in the ship, in case you should judge necessary to have any communication with the Board on this business, but I hope the liberality of the Navy Board will excuse any interference of mine which may appear presuming; nor should I have mentioned this much without consulting Mr. Scott, if there was a possibility of my seeing him before the post went out. As the wind blows strong from the W.S.W., I think it is probable we shall be detained here some time, which, in fact, is of no great consequence, as the season is so far advanced that we are now certain of a winter's passage between the two Capes, if we go any time between this and May. Perhaps we may go with the India convoy. I have kept Cayley on shore until I can fix his mess-mates on board. He seems much distressed about the loss of his microscope. I am very sorry I neglected to call upon Sir John Henslow for the plan of the plant-cabin, which you lent me, and

1799

11 Feb.

Phillip and King.

King's proposals.

His fear of giving offence.

George Cayley.

1799 which I lent to Sir John, he having at that time mislaid the copy
 11 Feb. he had. I have written to him by this post, and requested him
 to forward it to you, which I hope you will get, and cannot
 sufficiently blame myself for this neglect. I hope you continue
 well, and am, with the most respectful attachment,

Yours, &c.,

PHILIP GIDLEY KING.

Ramsden had not finished the small quadrant for Cayley previous
 to my leaving London, nor was I able to get from him the common
 compass he was to furnish Cayley with ; perhaps he has not yet
 done it.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

4, St. George's Square, Portsea,

12 Feb.

Dear Sir,

12th February, 1799.

Weight of
the plant-
boxes on the
Porpoise.

I received your note of yesterday, and went on board the
 Porpoise this morning with an officer from the guard to weigh the
 boxes, &c., the result of which I suppose will be reported to the
 Navy Board by this post for your information. As it blew ex-
 tremely hard we did not get ashore till late, therefore I cannot
 give you any account of the weight, as it was not calculated, but I
 am inclined to think it will not be so much as the five tons ; how-
 ever, you will hear of it from the Navy Board. I think my letter
 of yesterday may not be pleasant to the Navy Board, but still I
 hope they saw it, for the ship most certainly is the worst calcu-
 lated I ever saw for such a service. As everyone here approves
 the idea of removing the bulwarks, I hope that will be done, and
 some of the stores got out to make a place for the garden in
 case it should be necessary to remove them below. The plants in
 general look very well, except the tender ones, which are certainly
 gone. Souter has been very seasick and unwell ever since the ship
 left Sheerness, but as Gearish has been well, no care has been
 wanting. I beg my respects to the ladies, and am, &c.,

State of the
plants.

PHILIP GIDLEY KING.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

3, St. George's Square, Portsea,

13 Feb.

Dear Sir,

13th February, 1799.

I hope you received my letter of the 11th,* which I am
 rather doubtful of, as you do not mention it in yours which I

* Ante, p. 540.

received to-day. As the garden is considerably less than the five tons, not being four, I conclude it will remain; perhaps the bulwark on the quarter being removed, and light low railing in its place, may amend the crankness; and if the Navy Board should judge proper to order the cloathing from the 'tween decks on shore here for some other ship to bring out, then stuff might be put on board to make an inclosure for the greatest part of the plants between decks, for it will be in the passage between the Cape of Good Hope and Van Diemen's Land that the removal of the garden below (or at least its contents) will be an ease to the ship, and of no detriment to the plants. From the ship's sailing and steering so bad there is no other remedy than lengthening her. I do assure you the accounts of the masters of West Indiamen that came round under her convoy from the Downs presents us a gloomy presage of a tedious and long voyage, exclusive of the danger to be apprehended from her being pooped by the heavy seas we must meet on the latter part of the passage, for according to all accounts she absolutely refuses to answer her helm when going anything large.*

1799

13 Feb.

H.M.S.
Porpoise.A gloomy
prospect.

As I presume Mr. Dalrymple will be with you this morning, may I request you will be so good to tell him that altho' I cannot just yet lay my hand on the N. Zealander's chart, yet he may be assured of it. I wrote to Mr. Nepean about a copy of the French survey of the harbour of Van Diemen's Land that is in Mr. D.'s possession, but have received no answer. If Mr. D. will have the goodness to send my journals and the copy of Bampton's passage to Mr. Sykes's, Arundel-street, it will be forwarded to me; and I think that will be the best way for Cayley's things to be forwarded. He is much rejoiced at his microscope being found. Souter has been extreemly ill during the passage, but the garden has been well attended by Grimwood's man. I think everything looks far better than I expected to find them.

Charts and
journals.

I shall very anxiously expect the returns from the Navy Board to the report gone from here respecting the garden.

I am, &c.,

P. G. KING.

Note in the handwriting of Sir Joseph Banks.—The exact weight of the garden and every part of it will be reported by this post to be 3 tons 3 cwt. 3 qr. Every box was weighed—tarpauling, gratings, glass, &c. The Commissioners report it to the Board this post. As they were not ordered to report anything but the weight, that only will be done.

Weight of
plant-cabin.

Mr. Gelpin says that the weight of the garden will operate in a heel with a force equal to produce $1\frac{1}{2}$ degrees. The largest heel he has measured was 45 degrees.

* The Porpoise was eventually replaced by another vessel.—Post, p. 723 and note.

1799

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

3, St. George's Square, Portsea,

14th February, 1799.

14 Feb.

Sir,

King's
opinion con-
cerning the
Porpoise.

I am so much impressed with what I have heard from the master of the Porpoise, as well as everyone else who saw her on her passage round, that I have written a letter to S.A.H.,* of which the enclosed is a rough copy, which I have every fear you will not be able to decypher. I have no very sanguine idea that the proposal will be acceded to ; but I hope you will think I have not done an improper thing except in putting you to an expence, but I thought it necessary you should be informed of what I have done.

I am, &c.,

PHILIP GIDLEY KING.

I should have written a fair copy, but I am rather late for the post. May I request the copy being returned,† and will be obliged to you to mention whether the plan has been returned.

I could not tell Sir Andrew my authority, but the builder told me if the business was ordered to be done it might be completed in three weeks.

[Enclosure.]

LIEUT.-GOVERNOR KING TO SIR A. HAMOND. (Banks Papers.)

Sir,

14th February, 1799.

King's
motive for
addressing
Hamond.

Had I not been long acquainted with your liberality and zeal for the success of his Majesty's service, I should not have dared to hazard your disapprobation for addressing you on a subject which may appear to interfere with a business that does not altogether concern me, but that I am urged by a sense of duty I deem owing to a colony the prosperity of which is so intimately connected with the capability of the ships ordered for its service. I must therefore throw myself on your candour and known public spirit to excuse any unintentioned errors I may commit.

His inquiries
concerning
the
Porpoise.

As Mr. Scott has shewn me a copy of his letter to the Board respecting the bad qualitys of the Porpoise, I have taken some pains to enquire of the masters of the vessels that sail under his convoy from the Downs, who all join in one opinion "that the Porpoise would neither sail or steer going large, and that when beating to windward after the gale she was under a very low sail and fell bodily to leeward, while every other vessel was carrying a proper sail for the weather, and getting fast to windward."

* Sir Andrew Hamond, Comptroller of the Navy Board.

† The copy was apparently returned to King ; before doing so, however, Banks caused it to be copied, and it is this copy, in the handwriting of Banks's clerk, that has been preserved.

Respecting her bad sailing and steering, I humbly conceive, and in which opinion neither Mr. Scott or myself are singular, it is owing to her extreme shortness, fullness, and depth, which, with the weight and height of her barricaded quarter, the garden appears equally to contribute to her extreme tenderness. Under these circumstances, I take the liberty of submitting to your superior judgment and consideration the eventual disappointment that will happen to the ship and colony in her present state.

1790

14 Feb.

As far as respects her safely going to the colony, I have no doubt but it may be expected that if she will not steer coming down Channel in comparatively smooth water that the same fault will be greater in the heavy seas she will have to encounter between the Cape of Good Hope and So. Cape of N. Holland, where for a tract of——* leagues the wind blows constantly from N.W. round by N. to S.W., with heavy gales and a great sea, and the consequence of a ship's broaching to are better known to you than I can attempt to describe.

The voyage
to New
South
Wales.

I shall now take the liberty of bringing to your recollection the awkward situation of the Sirius on a lee shore off Van D's Land, on her returning from the Cape of Good Hope to New S. Wales in 1789, when nothing but a fortunate veering of the wind two points in her favor released her from one of those situations where every soul must have shared the instant fate of the ship; but by being stiff and able to carry sail she happily clawed off a strait lee shore, which extends from the So. Cape of N. Holland and Port Jackson,† and several vessels have experienced similar risques by easterly gales coming on before they have reached Port Jackson, and should the Porpoise be in that situation in her present state I have my doubts of her being so fortunate as many other ships would be.

The Sirius
on a lee
shore.

I must further trespass on your patience, sir, by supposing her safe arrived at Port Jackson. It is here, sir, that I feel myself particularly interested in the ship being equal to perform the services expected from her, and which I am confident would be highly gratifying to your well-known zeal for promoting and furthering the public interest and welfare. Two services immediately present themselves on her arrival—going to Norfolk Island with or for provisions, &c., and being sent to the Cape of Good Hope for cattle. She has now upwards of 22 tons of shingle and 80 iron ballast. That quantity must be doubled to make her half as stiff as she is now, after having delivered a very trifling cargo at Norfolk Island, where the Sirius was lost from not answering her helm. If sent to the Cape of Good Hope, what may not be expected from the scurvy incident to a passage round by Cape Horn lengthened

The
Porpoise
at Port
Jackson.

Services
upon which
she would
be em-
ployed.

* Blank in manuscript.

† See Vol. i, part 2, pp. 374 and 375, and Vol. ii, pp. 708 and 709.

1799

14 Feb.

beyond twelve weeks? She may be laden with coals at the Cape [?Colony], which will be a great saving to the public, and make the ship as stiff as she is at present; but in returning, laden with cattle, she will have every disadvantage, increased by the consumption of water and provisions in the passage, altho' it is true the latter may be supplied by salt-water.

Proposed
lengthening
of the vessel.

Other
alterations.

Having detailed the inconveniencies and disadvantages of her present state and quality, and the effect it may eventually have of once more depriving the colony of a ship otherwise strongly constructed, and will be extremely durable if no accident happen to her, I beg leave to offer an opinion, in which I have Mr. Scott's concurrence, as well as every other person's who has seen the ship, which is that if she is lengthened 10, 12, or 14 feet she will certainly sail and steer much better, and be altogether much more seaworthy than she is at present; and as she will stow much more than she does at present in her hold, much of her crankness may be removed, and more so if a rail and netting is substituted for the barricading she has on her quarters, a place made in the 'tween decks with stantions and a netting for removing the plants to occasionally. I need not inform you that in point of delaying the voyage by an alteration of this kind, was the ship not to sail for two months her voyage to New S. Wales from the Cape would be much safer and better; but if it could be done in a month, she would be compleated in time to sail with the E.I. convoy. In making this observation, I beg to assure you, sir, that my large family and the expences attendant upon remaining here might, was I so disposed, plead greatly for suppressing a representation which I respectfully think my situation requires I should submit to your candid inspection.

The master.

I must again obtain your indulgence for this liberty, and as I have not proceeded without Mr. Scott's concurrence (who would have made the representation himself but from very proper motives of delicacy), I hope you will excuse my saying that I have every reason to believe the choice could not have been made of a better officer or seaman to command the ship, supposing the proposed alteration to be inadmissable; but should the measure be so fortunate to meet your approbation, he will write an official representation on the subject.

P. G. KING.

Decision of
the Navy
Board.

Memo. by Sir Joseph Banks:—In answer to this the Navy Board propose to have a doubling of five inches extreme breadth, tapering downwards, put round the vessel, her rudder heel to be lengthened, and an addition to the false keel; but they ask whether the master thinks the faults of the ship may be remedied by taking away the garden and the barricade, which the Board would prefer to the other mode.

UNDER-SECRETARY KING TO LIEUTENANT-GOVERNOR KING. 1799

My Dear Sir, Whitehall, 19th February, 1799. 19 Feb.

Sir Jos. Banks has put into my hands some information from N.S.W. which makes me wish to see you for a few hours if practicable. If, therefore, the time fixed for the sailing of your ship will allow you, I wish you would put yourself into a post-chaise and come to town. As you come on account of the public, the public must take charge of you.*

J. KING.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.†

Sydney, New South Wales,

My Lord Duke, 21st February, 1799. 21 Feb.

To write more than I have already done on the effects which have long attended the extensive dealings of various descriptions of persons in this colony upon the true and permanent interest of the settlement I have no desire, nor is it my inclination to dwell upon the monopolys which have been, and continue to be, made of the little comforts which are sometimes brought hither upon speculation. I shall therefore only observe that my best endeavours to get the better of such acts of injustice are continually frustrated thro' various means not necessary to trouble your Grace upon. All I shall say is that the bankruptcy and beggary which is the consequence cannot fail to be a distressing circumstance to a feeling mind. I will not, my Lord, add more upon these truly unpleasant matters; I have already drawn your Grace's attention probably too frequently to them. I have also taken the liberty of pointing out the means by which we may get the better of them and become prosperous, and I have to hope that the appearance of so much wretchedness and the effect it must have upon the prosperity of the colony, together with the sensations which it occasions so often in me, who witness it, may operate with your Grace as an apology if I have said more than may have been thought necessary.

The existence of abuses.

"Bankruptcy and beggary."

My next concern, my Lord, is to place before your Grace a matter of some importance to the colony. It at least appears as a concern of some consequence to me, who am charg'd with all the public affairs of the settlement, a charge which no artfull confederation or function of those private interests, which had some time past been in the most determined opposition to each other, will ever dispose me to shrink from, however laborious and difficult

A matter of importance.

* The outcome of this interview was apparently the Lieutenant-Governor's letter to the Under Secretary of 5th March, 1799, post, p. 640.

† This letter and its enclosures (with the exception of enclosure No. 10) are in Hunter's handwriting.

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Judge-
Advocate
Dore.Secretary
to the
Governor.Professional
Innovations.Dispute
between
Hunter and
Dore.Antagonism
of parties.Dore and
the Civil
Court.

it must be for the management of any one man, whatever may be his ability, and whose mind in such situation must be continually upon the stretch to prevent the public suffering from the private interest of individuals.

By the ship Barwell a Mr. Dore arrived here with the appointment of Depy. Judge-Advocate to the colony, and said to be a professional gentleman of the law. I considered this circumstance as a very comfortable acquisition to this settlement, and, I trusted, would be a vast relief to my mind. He had not been long arrived when, finding I was without a secretary, and had been for two years, thro' the departure of Capt. David Collins from the colony, he solicited that appointment from me. I gave it him,* together with the best advice relative to his public duty here in the double office of Judge-Advocate and secretary to the Governor, which I, who knew the general business of the colony, as well as the different interests in it, cou'd with propriety offer him. I, however, had very soon cause to observe that he was determin'd to be govern'd by his own views and interests in the line of his profession, and to follow, or rather to establish, such rules as best suited those objects, although not known in this settlement before his arrival, and which I thought ill-accommodated with his situation here, either as an officer on public service, paid by the Crown, or the confidential situation in which he stood with me. In whatever way his ideas might have been directed (for he appear'd to have been counsel'd since his arrival), he did not seem to me to be so much upon his guard as his situation requir'd he shou'd have been. The consequence was that some circumstances took place in his office which I found it my duty to take notice of. This brought about an exchange of those papers which I send inclos'd for your Grace's information, as they will better serve to explain, and will render any other observations from me more than they contain the less necessary. From these you will see, my Lord, that I have had great cause for being displeased with Mr. Dore's manner of doing his duty, and for withdrawing that confidence I was dispos'd to have placed him.

The very persons whom he has chosen to consider as his best friends are the most loud in *other places*† in proclaiming his conduct improper, for *here*, my Lord, permit me to observe, Candour is not to be found, and Truth has long since taken his flight from this colony; but he is prevail'd on to believe that all but myself approve his innovations upon the former mode of fulfilling the duties of his office, and do not condemn the oppressive expences he has thought proper to levy upon all who have occasion to resort to his office for justice. Twice, my Lord, has our Court of Civil Jurisdiction been set aside by his perverseness and improper

* See Government and General Order, ante, p. 407. See also ante, p. 390.

† The italics in this letter and its enclosures are Hunter's.

innovations, which the other members, as responsible men, cou'd not approve or admit, and in a manner, too, which carried with it a mark'd contempt, not only of the Court itself then assembled, but of the authority by which it had been conven'd. It could not have been suffer'd to pass unnotic'd in any Court in England. Upon the second setting aside of this Court without doing any business, I judg'd it necessary to assemble the principal officers of the colony—civil, military, and naval. I inform'd them of the difficultys planted in the way of our Civil Court by this gentleman (No. 11).* I propos'd a few questions for their consideration (No. 12).† Mr. Dore has claim'd apparently a right and an authority to change the very sense and design of that charter by which we have hitherto been govern'd in all our judicial proceedings. He quibbles upon the Patent not having interdicted or forbidden what he wishes, from private views, to introduce. He persists in being in possession of such discretional powers as no other man serving that office in this country ever had; but I know not what they are, nor can he produce them.

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Hunter
consults
officers.Dore's con-
tention.

Many of the officers inform'd me that the people were loud in their complaints of the heavy expences attending every unavoidable application to his office, and, untill Mr. Dore's arrival, the inhabitants of the colony received justice in all their concerns without expence. Cou'd vexatious and frivolous prosecutions have been subjected to some small expence, by way of rendering them less frequent, I conceive it wou'd be attended with advantage, and in that I wou'd, as far as I may be authoris'd, have given my sanction; but the fees said to be demanded in the Judge-Advocate's office are out of all reason. His demands include stamps and all the revenues derived from them for the use of the State. He has even suffered arrests for debt to be issued against the public labouring servants of the Crown, who are not suppos'd to have any property of their own, and they have continued imprisoned untill the loss of their labour brought it to my knowledge, and I issued orders‡ forbidding any to credit them, as their labour wou'd not be dispens'd with for the accommodation of any private dealing whatever. Yet such arrests have been repeated, no doubt because a fee attended them. All such expences are felt in this colony, the more sensibly from none having been before Mr. Dore's arrival demanded; but if such fees are meant to be sanctioned by Government, I have only to wish information upon the subject. That I may not be suppos'd to approve any measure which may be considered oppressive upon the people (paper No. 2),§ I send to shew your Grace how highly improper his demands are. In this paper it will appear that he

The cost of
litigation.Judge-
Advocate's
fees.Crediting
convicts.

* Post, p. 571.

† Post, p. 573.

‡ See Government and General Order, 4th October, 1788, ante, p. 495.

§ Post, p. 554.

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Licensing
fees.

expected, as a professional man, he shou'd be able, by quoting a few Acts of Parliament, to bewilder my judgement, as well as that of any other who might know of his demands. The sums rais'd by the granting licenses to victuallers was design'd by me to be applied to the erection of an orphan-school. Out of the small sum collected this year your Grace will discover by this paper what fees of office Mr. Dore has demanded, and meant to keep back—*one-third of the whole sum*. This paper is his own statement to me when I desir'd to know the amount of the sum collected, and my observations upon his demands appear in paper No. 1.*

The growth
of abuses.

You will see, my Lord, by the accumulating difficultys which are continually growing up from some unfortunate cause or other, and obstructing every endeavour and exertion I use for the welfare of this distant colony—you will see, from the views, objects, and interests of individuals (whose duty it is to co-operate with the commander-in-chief in forwarding every public measure) being continually in opposition to the public interest, and the generality being absorpt in private dealings of some kind or other, and

A system of
monopoly.

The
victimised
farmer.

from whose monopolys a multitude of conceal'd petty dealers are supplied, who carefully watch the time in which the poor and thoughtless farmer reaps the fruit of his annual labour; being without an opportunity of laying out his little earnings to advantage, they pour in upon him a torrent of useless and often destructive articles, and they receiv'd his crop; thro' this means he is frequently left without bread for his family—ultimately ruin'd, and his person imprisoned at the suit of those petty dealers. This class of people we find have subscribed an artfully drawn up paper,† approving of Mr. Dore's manner of arrests, because convenient to the ruinous trade they carry on with the farmer, and not less so to the new revenues of the Judge-Advocate's office, but certainly complete bankruptcy to that description of people who ought to be the support of the colony. This circumstance of itself, my Lord, is so truly insignificant as a defence of that conduct which the other members of the Civil Court have opposed that it cannot appear favourable to Mr. Dore. The highly improper manner in which signatures from men, two-thirds of whom can neither read nor write, have been collected does no credit to the office; were the management of it strictly proper, it wou'd stand secure upon that propriety, without the mean aid of such signatures.

Hunter's
"perplexing
situation."

You will discover, my Lord, from all these circumstances what a perplexing situation that must be where it becomes the duty of an individual to oppose the private interests of the chief inhabitants of the colony, and of some of its principal officers, or if he falls in [in] any way with their wishes for the sake of his own quiet and peace

* Post, p. 552.

† This "artfully drawn up paper" is missing.

of mind, and which if he does must be in opposition to the public interest and his public instructions. He must then expose himself to the King's displeasure and the censure of his Majesty's minister. All this, my Lord, cou'd be done away completely by having the colony supplied at a more moderate rate from home with such of the necessaries of life as are not produced in this country, and with a few of its luxurys. I must refer to my letters, Nos. 25 and 30,* in which I took the liberty of proposing a measure.

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A remedy.

I cannot help observing in this place, my Lord, that the prying eye of envy and ill-nature will never be at a loss to distinguish in the best designs or most commendable actions some blemish for censure, some conspicuous fault, on which they may glut the desire of a malevolent disposition; those who are not inclin'd to afford their aid in forwarding any public measure will ever be most ready to discover some cause or object for illiberal remarks. Such characters will never be in want of opportunities for depreciating what they are unwilling to assist, and such persons are to be found in this settlement. Were the whole of the officers in this country strictly charg'd with their respective duties, and forbidden any private concern whatever,† except agriculture and the rearing of live stock, they might do well, become a great benefit to this territory, and be amply rewarded for their attention. A merchant shou'd have nothing to command or employ his attention but his merchandize; an officer ought not, therefore, to become a merchant, because the duty of either the one or the other will suffer.

An ill-disposed faction.

Officers as traders.

The seeds of that kind of traffic which I have ever consider'd injurious to the success of the laboring farmer, whose prosperity is surely an object of the first importance to this colony, together with many other improper customs which had been planted here some years ago, have render'd my situation truly irksome. Many are the indirect attempts which have been made, in consequence of my objection to those trading schemes and interests, to throw difficulty in the way of those objects which have been my chief care for the advancement of the public interests here; and no doubt with a view to the heaping one vexation upon another untill the weight shou'd be felt too heavy for me singly to bear. By such means it was probably hop'd I might have been enduc'd to have desert'd that post on which his Majesty had been graciously pleased to plant me, and to throw the concerns of the colony into any other hands, who might have less oppos'd the views of the self-interested part of the settlement. In the new Judge-Advocate I did expect to have had the aid and confidence of one officer of weight, ability, and activity; but I soon saw the

Hunter's irksome situation.

Difficulties thrown in his way.

Dis-appointed in Dore.

*Ante, pp. 219, 344.

†Hunter here reiterates the complaint contained in his letters to Under Secretary King and the Duke of Portland.—Ante, pp. 109, 212, 224, 225, 346, 387. The Duke of Portland (ante, p. 490) evidently regarded it as within Hunter's power to put a stop to this practice of the officers.

- 1790 steps which were pursued immediately upon his arrival to lead him from that direct line which his official situation, had he properly understood it, had mark'd out for him. He was not proof against them ; he was weak and irresolute.
- 21 Feb. Determines to persevere. Perseverance on public service, my Lord, is, I trust, one part of my character, and I have never been known, in a long constant and faithful service, to shrink from difficulty. All I have to hope is that I may receive that support in the execution of my duty and the exercise of that portion of judgement which has fallen to my lot so essential to the situation I fill, and which my general conduct may intitle to. My other correspondence has already shewn some part of what I have had to contend with, and I trust when your Grace may have time due notice will be taken of all my representations. Untill that period I will continue to persevere and hold every artful attempt to cast difficulty before me by indirect means in the contempt it may merit.
- Waiting for support. Would to God, my Lord, it were thought an object worth the attention of Government to have this settlement examin'd and its concerns thoroughly investigated, from its first establishment or since my last arrival in it, and compar'd with its present state, as well as that in which it fell into my hands, and also to consider the means and assistance which have been afforded me since my arrival for carrying on the various works and improvements which have since been executed. On such an examination by impartial judgement I wou'd most willingly rest my future, nay, my eternal existence. Pardon me, my Lord, if I appear too earnest.*
- Courts an investigation. I have, &c.,
- JNO. HUNTER.

[Enclosure No. 1.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

Sydney, 5th December, 1798.

Judge-Advocate's fees. A VARIETY of verbal complaints and much murmuring having reach'd the Governor's ear upon the subject of certain fees and demands made from the office of the Judge-Advocate, the Governor has consider'd it highly necessary that Mr. Dore shou'd receive the earlyst information upon a matter which so materially concerns his official situation, and the more particularly so as no such demands have ever been made from that office heretofore.

Prevention of frivolous litigation. The Governor has particularly examin'd the paper laid before him by Mr. Dore upon the subject of establishing certain small expences upon all vexatious prosecutions, and in which Mr. Balmain appears to have agreed in opinion with Mr. Dore. The Gov'r, in his answer to Mr. Dore's letter inclosing the above paper, agreed in thinking that some steps were necessary for

* The difficulties and obstructions encountered by Hunter in the performance of his duty are mentioned in his letters at pp. 41, 167 *et seq.*, 178, 209, 215, 232, 347, 508, *ante*.

checking the increasing numbers of frivolous prosecutions, and observ'd also that such were the sentiments of Mr. Collins, the late Judge-Advocate, that by attaching some small expences to such frequent and trifling litigation we shou'd doubtless prevent its occupying so great a portion of our time. Mr. Collins, however, as well as the Governor, was of opinion that such a circumstance shou'd have the sanction of the Government at home before it cou'd with propriety take place here, and when approv'd there a regular table of fees and expences wou'd no doubt be sent from proper authority.

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Sanction of Government necessary.

The Governor has in no respect changed his ideas upon that subject; it continues, therefore, to be his opinion that such a measure should receive the assent of his Maj's minister before anything of that nature can be establish'd in this colony.

After the murmurings which the Governor has already heard upon this subject he cou'd wish to have a list* of the expences or fees demanded from Mr. Dore's office, and this he is desirous of, to prevent his being liable to imposition from false and unjust representation, a practice too prevalent in this colony. He must here take notice that the fees which Mr. Dore has consider'd as due upon the licenses lately granted appear to him to amount to an immense sum (about one-third of the whole). The reference which Mr. Dore makes to the different Acts of Parliament which establish'd those additional sums is no doubt correct, but the sums rais'd upon those subsequent Acts were design'd as taxes for the use of the State, and not fees for that of an individual; and as no stamps exist here, or taxes of any kind are yet intended by the Gov't of the mother country to be levy'd in this settlement, it will appear that Mr. Dore may have misconceiv'd this business, for if the Gov'r is right in his judgement of it, two shillings and sixpence only can be demanded by those who make out the licences, and that is by way of recompensing the clerk who has the trouble. The rest of the sum is the property of the Crown, and is to be applied to some public purpose.

Hunter ask's for a list of fees.

Stamp duties and taxes.

If Mr. Dore has any representation to make upon the subject, the Governor is of opinion it shou'd be sent home and laid before the Secretary of State, which he will with pleasure do if Mr. Dore shall desire it.

The Minister to be consulted.

In the meantime it wou'd give him concern shou'd any petitions be laid before him in consequence of the present demands made from Mr. Dore's office, because he shou'd feel it his duty to transmit them also in order to the Secretary of State having authentic documents before him, upon which he might with the greater ease be enabled to form his judgement upon this subject.

JNO. HUNTER.

* There is nothing in the Records to indicate whether Dore supplied Hunter with this list. If he did, it was not sent home with the rest of the papers in this case.

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[Enclosure No. 2.]*

21 Feb.

JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER.

Victuallers' licences.

MR. DORE presents respectfull compt's Gov'r Hunter, informs his Exc'y that there has been issued from his office thirty-one victuallers' licences, which at five pounds each amount to one hundred and fifty-five pounds, and after deducting the fee of one pound eleven shilling and sixpence, allow'd by Act of Parliament for granting the same, according to the extract hereunder, the ballance in Mr. Dore's hands is *one hundred and six pounds four shillings*.

Extract.

Extracts from Acts.

And there shall be paid for every piece of vellum or parchment or sheet or piece of paper upon which shall be written any licence for selling ale or other excisable liquors by retail—

By 9 Queen Anne, chap. 23, sec. 23.—*One shilling*.

By 29 Geo. 2d, c. 12, s. 1.—*One pound*.

By 24 Geo. 3rd, 3d Sept., 2 p. 30.—*Ten shillings and sixpence*.
In all, £1 11s. 6d.

[Enclosure No. 3.]

JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER.†

Sydney, 6th December, 1798.

Table of fees submitted to Hunter.

MR. DORE is sorry to find that Governor Hunter feels any cause of remonstrance against the regulations adopted in the Judge-Advocate's office in regard to fees, and particularly as they were in the first instance submitted to his Excel'cy's approbation, and receiv'd the fullest sanction in the Governor's letter of the 28th July last,‡ without any reservation as to the concurrence of the Government at home; and, if Mr. Dore may judge of the effect of such regulations from the general report of the better part of people in this colony, who seem sensible that their property has been in a great degree protected and secur'd by the system of business which Mr. Dore laid down on his arrival here, he is authoris'd to conclude that it has answer'd many desirable purposes, and that so far from being consider'd in the most remote degree oppressive, it has produc'd many salutary benefits to the trading part of the inhabitants; nor has Mr. Dore heard of any one instance where the fees have been murmur'd at or resisted.

Dore defends the system introduced by him.

A parallel case.

To his Excellency's remark that no such demands were ever before made at this office, Mr. Dore begs to observe that the fee

* Although this statement of the Judge-Advocate was placed by Hunter after enclosure No. 1, it is evident from the correspondence that it was earlier in date than Hunter's letter to Dore of 5th December, 1798, which forms enclosure No. 1.

† This letter was an answer to Hunter's letter of 5th December, 1798, enclosure No. 1.

‡ This letter has not been preserved.

of three pounds for a protest (and an extra charge for extending the same), together with the like sum for every letter of administration, probate of will, &c., was taken by Captain David Collins, and after his departure by Mr. Richard Atkins, the Acting Judge-Advocate; and if this mode of doing business was instituted without the sanction of the Gov't at home, Mr. Dore naturally conceives the trifling addition he has made in other cases too inconsiderable to trouble them about, although he has no sort of objection to their being made acquainted with every minutiae of his conduct since he open'd his Commission in this territory.* Mr. Dore has directed a fee of ten shillings to be charg'd for every process issued under fifty pounds in civil actions. The affidavits have been prepar'd upon a plan far different from what was ever practis'd here before, and strictly conformable to the mode of the Courts of England. So it is with the writs, &c., &c., for all which the sum of ten shillings only has been paid in cases under fifty pounds; from that sum to one hundred pounds, fifteen shillings; and above one hundred pounds' debt the fee has been extended to one pound.

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Charges for process, affidavits, and writs.

The Governor already understands that, for the more speedy recovery of small debts, a Court, or weekly Petty Session, is held every Saturday for the determination of cases of this description, and that upon every summons issued for any sum under five pounds there is charg'd one shilling, and above five pounds two shillings, which is appropriated to the benefit of the Judge-Advocate's clerk. But so numerous have been the applications for summonses from poor people that nearly as many summonses have been issued gratis as have been paid for, and on no occasion whatsoever has a summons been refus'd on account of the poverty of the party.

A Court of Petty Sessions.

Mr. Dore believes only one protest has been charg'd for, which was Capt. Munn, and this he had much difficulty in getting paid. The sum was three pounds. The residue was occasion'd by expences in summoning witnesses from the most remote part of the colony to attend and give evidence in the matter of the horses, about which Wm. Evans, the summoning bailiff at Parramatta, was engag'd day and night in journeying upwards of one hund'd and fifty miles, and Mr. Dore's time was completely occupied for several mornings in a business which ultimately turned out moonshine and frivolous.

A protested case.

Mr. Dore presumes that with the office of Judge-Advocate to this territory he brought with him a discretionary power (subject to his Excellency's approbation) to institute such regulations as

The Judge-Advocate's discretionary power.

* Judge-Advocate Dore's Commission is not amongst the Records. Doubtless it was similar to, if not identical with, that issued to Judge-Advocate Collins.—See Vol. 1, part 2, p. 26.

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21 Feb. he might conceive necessary in his department, and particularly where the interest of the colony was the first object in view; and he flatters himself the Government at home was perfectly satisfied with his competency to exercise such discretion. So long, therefore, as Mr. Dore has the honor of Governor Hunter's sanction and assistance he shall sedulously continue to discharge his professional duty with the same attention, alacrity, and cheerfulness he has hitherto done; but, deprived of that, he has not a wish to retain his situation, nor longer to surmount the increasing anxiety and fatigues of office, unless he is at liberty to attach those trifling advantages which in some measure compensate for the toils of it.
- His willingness to retire. Captain Collins, Mr. Dore understands, limited his hours of business from eleven to one every day, and Governor Hunter knows that Mr. Dore has unremittingly given his time to the public service from six in the morning to a late hour at night, not even excepting his time of breakfasting and dining, which has been, and is, daily broken in upon and annoyed by troublesome intruders without ceremony or distinction.
- Hours of business. Mr. Dore, in reviewing every circumstance of his conduct since he has acted in the capacity of Judge-Advocate to this territory, feels the most perfect satisfaction, so far as a consciousness of rectitude and honor can afford it, nor does he mean to depart from a system which has the approbation of his own mind, and will be found to accord with the principles of a gentleman, nor will he ever shrink from the most rigid scrutiny into those characteristics which distinguish integrity and honor—on which basis, independent of party or prejudice, having strenuously acted, he will consider himself answerable for his official duty to the high interest that placed him in it.
- Professions of rectitude.

[Enclosure No. 4.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

7th December, 1798.

- Hunter replies. ON the Governor's return last night from Parramatta he received a note from Mr. Dore in reply to one which had been written to him in the morning. Upon this note the Governor has to observe that some essential parts of his note appears to have been overlooked, and are not noticed at all by Mr. Dore.
- He denies having sanctioned the system of fees. The circumstances, however, which he says were submitted by him to the Governor's consideration, were widely different from those which had given rise to the complaints he mentioned, and which certainly never had his sanction; and he must farther add, that instead of their having the approbation of the better

sort of people in this colony, it has been thro' some of those very people that the Governor has receiv'd information of the grievances complain'd of, and who have also concurr'd in disapproving them.

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Mr. Dore's observation relative to protests, and such matters as have no connection with any part of the Colonial concerns, the Governor in his observations has no allusion to them; they are wholly foreign and distinct from the business of the settlement.

With respect to the writs which Mr. Dore has mention'd, the Governor conceives that the issuing of them is not the business of any individual member of a Court, *but an act of the Court when assembled*, and it is, he presumes, with that Court to determine in this country whether any charges, and what, attend the issuing them.

Issuing writs.

The Governor is at no loss to understand for what purpose the Petty Session, or weekly meeting of two or more magistrates, was establish'd; it took place long before Mr. Dore's arrival here. The Governor having heretofore in this country officiated as a constant member of those meetings in the character of a civil magistrate, he is therefore thoroughly acquainted with the nature of that duty; but as Mr. Dore says that upon no occasion whatever has any summons been refus'd on account of the poverty of the party, were it necessary an instance, and a very recent one, can be produc'd to show that Mr. Dore is not correct. If, therefore, such things happen without Mr. Dore's knowledge or consent, he shou'd certainly put an early stop to them least they be consider'd as sanction'd by him.

The Court of Petty Sessions.

Poverty a bar.

Mr. Munn's protest, like all other matters of that nature, has nothing to do with the business of the colony; nor has the Governor any with Mr. Dore's manner of settling such concerns.

The Governor can scarcely comprehend what may be the nature of that discretionary power which Mr. Dore may allude to when he says: "He presumes he brought such power here with him" (subject to the approbation of the Governor or commanding officer before it cou'd be exercis'd, of course). If he means mer'ly a power to institute such regulations in his department as have for their sole object the interest of the colony, and the happiness and prosperity of its inhabitants, the Governor will at all times second him most heartily with his utmost authority in establishing any regulation calculated to produce such desirable effects, but to shut his ear to the complaints of such persons as may apply to him when they conceive themselves aggrieved, or to set them aside out of delicacy to the person from whose office those grievances may spring, wou'd ill accord with his desire of rendering to everyone that justice to which he is intitled.

Dore's power to make regulations.

Hunter will see justice done.

- 1799** Capt. Collins's mode of doing the business of Judge-Advocate of this colony has no concern whatever with that upon which the Governor wrote a note to Mr. Dore, and which was intended for his information on matters with which it was possible he might not have been acquainted.
- 21 Feb.** The latter part of Mr. Dore's observations are of a nature which appear to require a more particular explanation, and the Governor will take an opportunity of calling upon Mr. Dore for that explanation.
- An explanation wanted.

[Enclosure No. 5.]

- MESSRS. ATKINS AND WILLIAMSON TO GOVERNOR HUNTER.**
- Meeting of the Civil Court. IN obedience to your Excellency's precept for holding a Court of Civil Judicature, bearing date the——day of December, 1798,* directed to the Judge-Advocate, Richard Atkins and James Williamson, Esqrs., we met on the 20th of December, at the Court-house at Sydney, for the dispatch of business, and a writ of arrest, bearing date the 10th of December, was submitted to the said Court for their decision ; but some doubts having arisen in the minds of the said Richard Atkins and James Williamson as to the legality of the writ, it having been issued by the Judge-Advocate without the sanction of a Court of Civil Judicature, which by the charter of the colony they conceived to be absolutely necessary, and wishing to have the opinion of the Judge-Advocate thereon, in hopes that he might remove those doubts, we ordered the Court to be cleared, when, to our very great surprize, instead of answering our question, he informed us, in the most rude and unqualified manner, that he had an authority for issuing writs independent of the Court, which he would communicate to no other person than your Excellency ; that he knew his own powers, and that he would stand or fall by them ; but that, as we doubted that authority and those powers, he had no business there, and abruptly rose from his seat, took his hat and cane, and wished us a good morning. On being asked by one of the members if the Court was adjourned, he replied, as he was going towards the door of the Court-house, that he had no business with it ; in consequence of which the Court broke up without any business being done or regular adjournment taken place.†
- Doubtful legality of the writ. Such a conduct of the Judge-Advocate we conceive highly reprehensible, disgraceful to himself, injurious to your Excellency's authority, and insulting to ourselves.
- The Court breaks up. Can it be supposed that any dignity or consequence can be attached to a Court whose presiding officer shall, in the irritability of his temper, leave it in the manner we have stated to
- Effect of the dispute on minds of the people.

* This precept is not available.

† By an Order—8th January, 1799—the meeting of the Court was fixed for that date, but a further adjournment was necessary owing to the ill-health of the Judge-Advocate.—*Ibid.* p. 528.

your Excellency? Is not the dignity of justice rendered ineffectual by such conduct, and is it not degraded by such behaviour? As members of the Court we feel ourselves highly interested, and we wish that your Excellency and the public might know that if any inconvenience has arisen by delay, the Judge-Advocate, not us, is responsible for it.

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We think it our duty respectfully to submit this plain statement of facts to your Excellency, humbly hoping that your Excellency will be of opinion that the proceedings of the said Court have not been impeded by any act of ours, and that our conduct has not merited your displeasure.

We have, &c.,

RICHD. ATKINS,

JAMES WILLIAMSON,*

Members of a Civil Court.

[Enclosure No. 6.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

On his Majesty's Service.

Sir,

Sydney, 22nd December, 1798.

Having issued a precept under my hand and seal for convening a Court of Civil Judicature, and by the Public Order of the 7th instant† it was directed to assemble on the 20th, I was much astonish'd that day on receiving a letter address'd upon service from the two gentlemen who with you were to have compos'd that Court, stating that certain circumstances had been introduc'd, which had appear'd to them to be informal, and that they had desir'd the Court might be cleared in order to your having an opportunity of removing the doubts which press'd upon their minds; and that you might satisfy them they were acting as members of that Court strictly conformable to the instruction contain'd in the Patent; that upon desiring from you this necessary information you had risen suddenly from your chair and abruptly quitted the Court, which had already been sworn in, saying at same time that you knew your own authority, and would not satisfy any person except the Governor.

Hunter
states the
case to Dore.

This, sir, is a circumstance so wholly new in this colony, and the refusing to do the duty to which you have been by his Majesty appointed, except it be upon such terms as you may be

Dore's
refusal a
serious
offence.

* James Williamson came out with Governor Hunter as his secretary (Vol. ii, p. 249), but shortly after the arrival of the Reliance Hunter appointed him Acting Commissary during the absence of Palmer. Williamson was associated with Bass, in September, 1797, in the exploration of the country between Mount Taurus and the coast-line.—See Hunter's map, ante, p. 347; Collins, vol. ii, p. 50.

† The Public Orders convening Courts, both civil and criminal, are omitted from these pages, with the exception of that on p. 18, ante, the reason being that they are, in each case, drawn up in identical terms.

Mr. Dore disposed to establish at your own pleasure, is altogether so very extraordinary that I find it necessary to desire you will acquaint me in writing whether you are determined to resist the order contained in the precept, and to set aside the Court, which I have directed may be assembled?

The case and steps as the public service may require may be taken. I can only desire to be inform'd of your intention that such *the case and steps as the public service may require may be taken.* The case is in itself so perfectly clear that any argument upon the subject will be unnecessary. No man can deny the right of the other members to apply to you for information in everything which is connected with forms of law, and with which they might not be sufficiently acquainted, nor can any person construe your unguarded manner upon this occasion into anything short of an insult, which as sworn members of that Court is of a nature which you must as a professional man be well acquainted with the magnitude of; I have therefore been the more astonished. I am, &c.,

JNO. HUNTER.

This letter on public service was enclosed in the following private note:—

A private note by Hunter.

NOTE.—The Governor is sorry to have had occasion to write officially to Mr. Dore of the subject of the last meeting of the Civil Court. He trusts that Mr. Dore will see the propriety and necessity of coming to some decision with himself upon this subject before the Court may assemble again.*

[Enclosure No. 7.]

MR. DORE'S QUERYS SUBMITTED TO THE GOVERNOR'S PERUSAL.

1st.

Mr. Dore's query.

How are the processes to issue to be heard in such Court unless previously taken out for that purpose?

Observations by Governor Hunter.

As they ever have been in this colony, by the Court assembling for that very purpose, and after having issued the writs, to appoint a day for their return, and adjourn until that time.

2nd.

Mr. Dore's query.

The Patent gives power to the Court to issue writs, &c., but does not authorize the issuing of writs previous to such Court, nor in any manner limit the Judge-Advocate's power in such instances?

Altho' it has not interdicted, it certainly has not authoris'd, as appears by the words us'd by Mr. D.—“gives power to the Court.” The word writ appears to signify the King's precept in writing under some seal, and issuing out of some Court, which clearly implies that it cannot issue with propriety any other way than from the Court in this colony.

* This did not forward any formal letter in reply to this. Apparently he submitted certain queries which were sent home as enclosure No. 7, with Hunter's answers opposite. It is probable, however, from the concluding remarks of Hunter in enclosure No. 7 that the whole of Dore's submissions have not been preserved.

3rd.

It may reasonably be demanded, what injury or disadvantage can possibly arise to the community from this mode of arresting in the intermediate vacations between Court and Court?

This question carries the appearance of some doubt in Mr. D. how far the mode adopted by him is justified by any authority which has yet reached this distant colony; but the answer is plain. It is placing the libertys of the people in the hands of an individual instead of that of a public Court established from authority. If we will allow ourselves to be governed by such instructions as we have been provided with, no man can have cause of complaint; but innovations which the people know the law does not admit will ever create discontent, particularly such as effect their liberty.

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The question as it affected individuals.

4th.

What the English Gov't could not foresee as an evil they found no sort of inclination to guard against. Had they intended for any particular purposes whatever that arrests in this way should have been prohibited, they would have made their interdiction peremptory and plain.

Gov't could not suppose that any interdiction would be considered requisite. This is altogether a negative way of reasoning, for Government has, in as plain and peremptory a way as could be necessary, pointed out the mode of arrests in this country, and it is the duty of those to whom such concerns are intrusted to take the instructions they have been furnished with for their guide.

The method of arrest.

5th.

The Patent relates to no Act of Parliament—is merely an instrument of instruction.*

Admitted that it is an instrument of instruction, then why is it not considered a sufficient guide? The instruction it contains and the authority from whence it is issued is surely sufficient for all our purposes. No authority in this country can be admitted as having power to alter the uniform course of law and justice.

Letters Patent constituting the Courts.

It is difficult to understand what Mr. Dore may mean when he says that he has full powers of discretion to act up to the full intent, extent, and meaning of the tenor of the appointment which he feels vested in him by virtue of his present appointment.

It is admitted that he possesses full power by virtue of his Comission to officiate in all the duties of the Judge-Advocate to this colony, and of a Justice of the Peace, but cannot agree that he has authority to alter the tenor and meaning of the Patent for establishing the Courts of law in this colony. And it is insisted that the other members of the Court have a right to desire information from the Judge-Advocate relative to any doubts they may have in a matter or form of law, particularly when they observe any change or deviation from that Patent which they have hitherto considered as their guide.

Powers of the Judge-Advocate.

* The Letters Patent constituting the Civil and Criminal Courts will be found in Vol. 1, part 2, at p. 70. The only Act referred to in the Letters Patent is that appointing New South Wales as the place to which felons should be transported (34 George III, c. 56).

1790 No other reply can be made to Mr. Dore's last observation than by noticing
21 Feb. that the insinuation it contains is truly illiberal, whomever it may allude to. It is also known to be contrary to fact, for many gentlemen have solicited to be excused from the duties of the Civil Court, but never has one, directly or indirectly, requested to be so employ'd.

If ever Mr. Smyth issued a writ in this country from any other authority than that of the Court, it is well known it could only have been one, for the mistake was seen and corrected, as no other was ever issued in that way after.*

[Enclosure No. 8.]

MESSRS. KENT AND ATKINS TO JUDGE-ADVOCATE DORE.

Sir,

11th January, 1799.

An explanation.

The Judge-Advocate's authority to issue writs

not permanent.

The very improper advantage that has been taken of our signing the minutes of the last Court of Civil Judicature, by your asserting that you conceiv'd it an authority from us to issue writs, makes it become necessary to acquaint you what our ideas were when we signed them.† Our reasons for authorising you to issue writs *under our sanction* were founded under the idea of public utility, but we were fully sensible that any act of ours as members of the said Court cou'd extend no farther than during the several adjournments, and when it was desolv'd the authority ceas'd. This we conceive, sir, you must be sensible of yourself. You must likewise be aware that no act of ours (the very idea would be presumption) could do away the charter of the colony,‡ which you must admit is our guide in all judicial proceedings, and no power but the legislature of Great Britain can alter the intention and spirit of it. It is unnecessary for us, sir, to say much more on a subject so obvious to the meanest understanding; we have, therefore, only to request it may be fully understood that any authority (if it has given any legal one) our names may have given you to issue writs, or to do any other act, was merely temporary, and cou'd not possibly exist longer than his Exc'y the Governor's precept for convening that Court remained in force—anything further being contrary to our intention. We do in the most positive and express terms protest against any act done or to be done in consequence of our signatures since the last Court was desolv'd.

We are, &c.,

WILLIAM KENT,

RICHARD ATKINS,

Members of the Civil Court.

* These four concluding paragraphs evidently refer to a letter from Dore to Hunter which has not been preserved.

† See the order of Court of 14th August, 1798, quoted by Dore in his letter of 14th January, 1799, which forms, with Hunter's comments, enclosure No. 2.—Post, p. 564.

‡ By the expression "Charter of the Colony," Atkins and Kent doubtless referred to the Letters Patent constituting the Courts of law. See Vol. 1, part 2, p. 70.

[Enclosure No. 9.]

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JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER, AND
GOVERNOR HUNTER'S COMMENTS.

21 Feb.

Judge-Advocate Dore's Letter.
Judge-Advocate's Office,
Sydney, 14th January, 1799.*Observations by Governor
Hunter.*

Sir,

^A
After presuming that your Ex'cy has been made acquainted with the singular minutes which the two gentlemen you were pleas'd to appoint as members of the Court of Civil Jurisdiction thought proper to insert in what appears to be the proceedings of that Court on Tuesday last, and which I conceive to be in the first instance taking an unhand-some advantage of my indisposition, and the enfeebled state such indisposition had reduced me to, being confined to my bed by a severe

^B
attack of the gout, I feel myself bound by the dutys of my office, and by the authority of that appointment which the British Gov't

^C
has honor'd me with, to protest most solemnly against those minutes, so far as they may have any constructive tendency to set aside the writs which I have from time to

^D
time issued from my office. First, from my interpretation (as Judge-Advocate) of the Patent, which does not prohibit me in my official capacity from issuing such writs.

^E
Secondly, from precedents heretofore establish'd in the colony (upon which divisions have been made).

* Post, p. 570.

† This paragraph is one of the many indications of Hunter's warm friendship for Judge-Advocate Collins. There is little doubt that Hunter furnished him with the materials for the second volume of his "Account of the English Colony in New South Wales."

^A
Upon the receipt of Mr. Dore's letter, the Gov'r desir'd to be inform'd by the other two members of the Court what were the unfair advantages of which Mr. Dore complains. They immediatly wrote to the Governor letter No. 10.*

^B
It would have been highly pleasing and satisfactory to the Governor had the dutys of the office of the Judge-Advocate been carried on with as much general satisfaction and advantage as it had been managed from the establishment of the colony up to the time of Mr. Dore's arrival.†

^C
Mr. Dore has a right to protest against any act of injustice which he may feel himself affected by, but the other gentlemen have an equal right to that privilege.

^D
Mr. Dore's interpretation of the Patent may be convenient to the system which he has thought proper to lay down for managing the dutys of his office, but it cannot deprive the other officers of the colony of the power of judging for themselves, where nothing unintelligible stands in the way, either in point of language or any law perplexity.

^E
It is well known here that if ever there was a president [*sic*] of the nature Mr. Dore alludes to, it could only have been one, and that must have been occasioned by too slight an examination of the sense of the Patent, because, upon further consideration, it was found wrong, and was never afterwards attempted.

Judge-Advocate Dore pleads indisposition.

Hunter dissatisfied with Dore's official actions.

Dore protests.

Interpretation of the Letters Patent.

A precedent.

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F

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Dore and the
dealers.

Thirdly, by the peculiar benefits it has produc'd, and is likely to produce, to the colony at large. And, lastly, by an order of Court, of the fourteenth day of August last, expressly directing the Judge-Advocate to administer affidavits and grant writs at his office whenever occasion or circumstances might require it, of which the following is a copy (*viz.*) :—

Order of the
Court.

“And in order to remedy as much as possible the many inconveniences which have been from time to time complain'd of by persons having occasion to commence such, or actions for the recovery of monies due to them by reason of their having been generally accustomed to wait for the assembling of a Civil Court before affidavits to ground bailable actions cou'd be made or taken.

Administra-
tion of
oaths.

“The Judge-Advocate of this territory will henceforth and in future administer, at his office in Sydney, in the usual hours of business, the necessary oaths to persons who may find it expedient to institute civil suits, and hold their debtors to bail, and a day will be appointed with all convenient dispatch for the return of such writs, and to hear and determine all matters in question accordingly.

Ecclesiastical
business.

“The Judge-Advocate will also, at his office aforesaid, grant letters of administration, probates of wills, &c., &c., and be ready at all times to further the designs of the British Legislature in extending to this colony, as far as circumstances will admit, the benefit of its wise and salutary laws.

Return of
writs.

“The return of writs being a matter dependent upon local and occasional circumstances, the Judge-Advocate will use his discretion in the regulating such as are issued from his office, and it will rest with him to determine as to the time necessary to be allow'd for defendants at certain distances, &c.,

“RICHD. DORE, J.-Advocate.

“WILLIAM KENT.

“RICHD. ATKINS.”

F

The peculiar benefits to the colony Mr. Dore mentions can only be known to him and to those dealers he alludes to, who are, certainly, a pest to the settlement and ruin to the thoughtless labouring farmer. The order of Court here alluded to is denied by the other members as meaning anything more—that during the occasional adjournments of that Court, of which they were members, they cou'd not establish a rule to govern the other officers of the colony. This is surely a weak argument.

(See their protest, letter No. 8.)

G

This order of Court is unquestionably irrevocable—as well might a subsequent Court assume to itself a power of setting aside decisions which had been made in matters between party and party, as attempt to dispute or recede from the plain letter which lies before them, and which is upon record as the proceedings of a Court solemnly and formally establish'd—nor can human wisdom foresee what might be the consequences, if such an extravagant measure was tolerated either under a convenient idea of error, or with a view to answer any private or particular purpose—but that Mr. Atkins, whose name appears subscrib'd to those proceedings, should now question their propriety, and shelter himself under a pretence that he did not read what he had subscrib'd, or that having read he did not understand them, when the

G

This argument may suit Mr. Dore's present purpose; but how was it admitted when Mr. D., with another magistrate, took the liberty of superceding the decision of a Court of Civil Jurisdiction regularly conven'd—we will not determine for what purpose.

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An order of Court irrevocable.

H

matter had been canvass'd by the Court (of which he was then a member), and this decision was the result, would be a subject of extreme sur-

H

Both members deny the canvassing this business by the Court; they signed the paper having learnt from Mr. D. the intention, and had no doubt of his being correct; they confided in his not introducing anything which might be improper.

I

prise to me if I had not trac'd from what quarter, in what kind of shape, and to answer what purpose the opposition was originally projected.

I

The Governor is a perfect stranger to the projected opposition of the other two members to Mr. Dore; they were fix'd upon for this duty, the one* from having done the duty of the Judge-Advocate formerly, the other† a new member to be initiated in the duties and business of a Court, and could not be better placed than between two men who know all the forms.

K

I am loth to trouble your Exc'y with argument on the subject; but I wish to guard you against being misled, and myself from the imputation of committing any innovation foreign to the sense of the Patent, or of having given rise to complaints amongst the people.

K

Mr. Dore need not be uneasy at the probability of the Governor being misled. He has lived so long, and has seen so much of mankind, particularly in this country, that he is quite upon his guard. He judges for himself with respect to the Patent.

* Richard Atkins.

† Lieutenant Kent.

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The dealers

L

Your Exc'y has been informed that they have complain'd of my mode of doing business. I deny it. I have collected the sense of almost every individual (with a few partial exceptions) of the midling but respectable discription of inhabitants. Those who by habits of trade and dealings were most likely to be interested, and to have a voice on this occasion—and from a written document (spontaneously subscrib'd by nearly seventy persons'

L

The Governor is but too well acquainted in this colony with the respectable description of people Mr. Dore alludes to when he exalts in having obtained the signatures of about seventy in favor of his system. They have ever been considered here as a class of people ruinous to those on whom the colony should chiefly depend, but whilst the settlement is pesterd with such a nest of dealers the laboring farmer will never succeed and become respectable. They will no doubt be convenient in promoting litigation, and all the expenses which are now felt in this territory to attend it.

M

names) which I am in possession of, it will appear that so far from the people having complain'd of my mode of business, they have one and all heartily and gratefully applauded it, and if they ever had reason to complain it was that such a plan had not heretofore been generally and effectually establish'd.

M

So far the Governor will admit that the interests of the dealers have been benefitted, but the interest of the colony in its most useful inhabitants (the laboring farmer) has suffered materially from the temptations held out by the dealer to this useful but thoughtless description of people.

N

That they have been put to material inconvenience, reduced to great distresses, and been set at defiance by a certain description of debtors, because they were oblig'd to wait for a Civil Court to get a writ issued, before the assembling of which, if some more fortunate creditor did not step in between, their property was wantonly squandered away, misapplied, or wasted, and no redress left them but the persons of their debtors devoted to a prison; and they unreservedly declar'd that this was, therefore, the readiest mode to preserve the property of honest creditors, and defeat the fraudulent designs of unprincipled debtors.

N

The two characters here contrasted by Mr. Dore were the same description of people when they came to this country, and we have very little reason to think that any extraordinary change has yet taken place either in the morals or principles of these honest creditors and unprincipled debtors.

The Governor has no doubts respecting the construction of the Patent, altho' he cannot immediately adopt Mr. Dore's construction.

"Honest creditors and unprincipled debtors."

So far your Exc'y will be satisfied that the interests of the colony have been in no wise injur'd by this system of business. (*Vide M.*)

And your Exc'y may perhaps be inclined to admit the general propriety of the measure, but may be in doubt as to the construction of the Patent.

O

That your Exc'y may understand upon what ground I establish my construction of the Patent when I say it does not interdict the issuing of writs by the Judge-Advocate, I beg leave to refer you to that part which directs a Court of Civil Jurisdiction to be assembled, with power to hold plea of and to *hear and determine* all pleas concerning lands, debts, &c.† Permit me to ask what pleas are at issue? What is the Court to *hear and determine*? unless processes have been previously issued for the Court to hold such pleas of and to hear and determine

O

This question is answered in the first observation to Mr. Dore's queries. (*Vide* No. 7.)*

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Construction of the Letters Patent.

P

accordingly. Had the Patent set out by directing such Court to assemble, in the first instance, to administer affidavits and to grant writs, which they were afterwards (at a future sitting) to hear and determine, the letter of its meaning would have been obvious, plain, and unequivocal; but in the shape I find it I cannot give any other construction of its tenor than I have done. Upon this construction I have form'd my opinion; and I trust it will appear when an explanation comes from the British Government that if I have not exactly comprehended its express meaning I have in no respect perverted the letter of it.

P

The Patent had no occasion to set out by directing such Court to assemble, &c. That sense is clearly implied in the letter of it; consequently might have been obvious to Mr. Dore if he had been inclined so to understand it.

Two contrary interpretations.

Q

The office of Judge-Advocate, your Exc'y will observe, is so virtually important as to be absolutely necessary to the forming a Court of Civil Jurisdiction, inasmuch as all processes are directed to be under the hand and seal of this officer, who is consider'd as the President and leading member of the Court. The other members, therefore, altho' component parts of such Court, in matters where a discrimination of law points is necessary, are to be guided by the Judge-Advocate, whom the Gov't at home have delegated for such purposes, and it is reasonable

Q

We admit that the Judge-Advocate is necessary to the forming a Court, and that all the law processes should pass under his hand and seal as a lawyer; but we are not to understand from that formality that the other members, as component parts of such Court, are to be considered as mere matter of form—as men without common sense or judgment. It will be found that some of them are not less acquainted with forms than some of the profession.

Importance of Judge-Advocate's office.

* Ante, p. 560.

† Sec Vol. i, part 2, p. 71.

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Qualifications
of officers.

R

to suppose were satisfied with his qualifications and responsibility; and I would ask how your Exc'y would act if two members were to take upon themselves to pronounce a decree contrary to law? What a wide field would this open for renewed contentions, the offspring of doubt, uncertainty, and dissatisfaction. Your Exc'y would naturally consult with the only law officer in the colony, from a conviction that the Government which intrusted him with his appointment was satisfied with his competency to decide, and that he is responsible to them for his decisions. I am too tenacious of the important trust confided to me by the British

Dore's
professions
of indepen-
dence.

S

Government—I am too independent in mind and circumstances—to have any sinister view to answer by supporting the system I have enter'd into. Nor can I forget the sacred pledge I left behind me to transmit to England by every opportunity a faithful representation of this colony, its police judicial proceedings, &c., &c., embracing every object worthy of public communication; and can it be suppos'd that I would risk my professional reputation either here or at home by attempting wilfully to violate the charter of the colony or establish any construction upon its meaning foreign to the tenor of it? Can it be suppos'd that I had ever any object in view but the good of the colony and the people?

To the grateful suffrages of the people on this occasion let me appeal for their general sense of approbation, and to the effects already produc'd by my system for their anxious wishes to continue it.

Hunter dis-
appointed in
Dore.

T

Your Exc'y will suffer me here to remark that it was your own particular desire a professional gentleman should be sent from England to regulate and qualify judicial proceedings in this colony. For that purpose I am come, and I trust, I shall never want your Exc'y's support as chief magistrate whilst I act up to the spirit of the appointment and the apparent sense of the duties attach'd to it.

R

It is taken for granted that the Government at home is supposed to be satisfied with the ability of every officer they appointed here, but they will be more so when verified by experience.

S

Mr. Dore's independence can have nothing to do with the point in question; nor is it necessary to make any observation upon Mr. D's views in supporting his new system. His promises to transmit to his friends from time to time his account of observations made in this country can have no connection with the main subject of his letter to the Gov'r. Every person resident here have an equal right to give to their friends whatever they may think worthy their notice.

T

The Governor admits that it was his wish that a professional gentleman of the law should be sent here as Judge-Advocate, and he trusted that he would have found a useful and confidential officer in such a person; but it is with regret he must declare that, instead of being reliev'd from much trouble and perplexity, he has experienced more than formerly.

U

If your Exc'y had been pleas'd in an earlier stage of this business to have interdicted any of my measures, to you, sir, as Governor of this territory, I shou'd have paid every respectfull deference.

U

The Governor had no wish or desire to interdict any of Mr. Dore's measures, or was it likely he should make any observations upon what he knew nothing about until he was told they gave discontent to many.

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Complaints
from the
public.

V

Your Exc'y may be assur'd I shall ever do so ; but permit me to ask if you are aware of the evils likely to result from overturning a system which as Judge-Advocate to this territory I have consider'd myself warranted in introducing, particularly after its good effects had been almost universally felt and acknowledged. Innumerable and complicated will be the public inconveniences, perhaps in some instances particularly fatal. It will disturb the current of justice, call in question the power of the officer the British Government has delegated to so important an appointment, and eventually tend to disseminate murmurs and dissensions amongst the people.

V

Mr. Dore's anticipation of evils which will result to the colony from the doing away a system which he has thought proper to lay down is absurd. We never have yet experienced such calamities when such a system as his own was unknown in this settlement. What danger can there be apprehended from following strictly and to its full extent that charter which was given as our guide? The Gov'r knows of no authority in the J.-A. which gives him a power to establish systems which appear inconsistent with the sense and design of our charter, nor is he apprehensive of any of those evils which Mr. Dore looks forward to in following that interpretation of the Patent which has stood since the establishment of the settlement. Whenever a more extended colony and an increas'd number of inhabitants may render a change in the establish'd system for the administration of justice necessary, the Government of the mother country will determine what change shou'd be establish'd.

Dore's anti-
cipations of
confusion.

W

If your Exc'y conceives the strict letter of the Patent forbids the measure I have adopted, and wou'd recommend its being henceforth suspended, henceforth be it suspended; but surely, and at all events, the writs which have been granted, and which are now at issue, shou'd be heard and determin'd. It will then rest with your Exc'y to make such suspension (until the pleasure of the Government at home is known) as shall be deemed ex-

W

The Gov'r has not said that the letter of the Patent in direct terms interdicts or forbids Mr. Dore's measures, but he has declar'd it to be his opinion that the letter of that instrument is clear and intelligible, and directs in plain language what measures are to be pursued; but they are not such as Mr. D. has thought proper to lay down.

The letter of
the Patent.

The Gov'r can give no opinion on any matter pending before a Court. The members in general will think

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pedient under the existing circumstances.

I have only one observation to trouble you with in regard to the fees, which under your Excy's sanction I have attach'd to the several processes. All the parties who have subscrib'd the document I allude to have unanimously declar'd that they consider'd it just and necessary, and were well satisfied it was a measure pregnant with good to the colony, and would prove serviceable and advantageous to the trading part of it; but on referring to the Patent your Excy will see that

for themselves, and their decision will come before him in course.

Costs of
suit.

X

costs of suit are particularly allow'd.

I have, &c.,

RICHD. DORE,

Judge-Advocate.

X

The Governor, relative to costs of suit, contends that all those things are to be settled by the Court, and he presumes that the other members may be as tenacious of their situation as Mr. Dore may be of his. They appear unwilling to confirm the unbounded power of the Judge-Advocate and their own insignificance as members of that Court.

J. H.

[Enclosure No. 10.]

MESSRS. ATKINS AND WILLIAMSON TO GOVERNOR HUNTER.

Sydney, 3rd February, 1799.

Dore's plea
of illness.

YOUR Excellency having signified to us that Mr. Dore, the Judge-Advocate, in one of his letters, complained of our taking an unfair advantage at the last meeting of the Civil Court, in proposing questions to him at the time he was labouring under great bodily infirmity,* it becomes necessary for us to represent to your Excellency that prior to the opening of the Court the Judge-Advocate was asked whether he was able to proceed to business; that if he was, Mr. Atkins, one of the members wished to propose a question to him, to which the Judge-Advocate answered, "By all means." At the time this passed, Mr. Balmain was sitting with Mr. Dore. The question proposed by Mr. Atkins was, "Whether in all judicial proceedings is or is not the Charter of the colony to be our guide?"

Legality of
writs.

The answer the Judge-Advocate gave was—"Certainly." Receiving this answer, Mr. Atkins replied—"That, sir, being the case, I am of opinion that all the writs of arrest issued by you without the sanction of a Court of Civil Jurisdiction are illegal." Mr. Williamson, another member, joining in opinion, we desired it might be made a minute of the proceedings of the said Court, but the Judge-Advocate refusing so to do, either by himself or

* Ante, p. 558 (note).

clerk, and thinking it absolutely necessary for our own justification that it should be done, Mr. Atkins entered it himself, and it having been signed and approved of by the two junior members, we conceived it was binding upon the Judge-Advocate, who certainly is vested with no greater power than any other individual member. The Court then adjourned *sine die*.

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It is not unknown to your Excellency that notwithstanding the Court had determined the writs so issued were illegal, the Judge-Advocate still continued the practice to the great contempt (as we conceive) of your Excellency's authority and that of the Court. We beg leave to say that we feel ourselves happy at all times in obeying your Excellency's orders, but when our best endeavours for the public good are to be treated with the contempt they have been by that gentleman, we are free to confess our duty becomes irksome. Ten years have now elapsed since the jurisdiction of that Court has been acknowledged, and the powers granted it by the Charter clearly defined. The late attempt of the Judge-Advocate to act independent of it is such an innovation that we know your Excellency will clearly perceive the serious consequences that may attend it, for it not only assumes the power of establishing unauthorized fees (which we are ready to prove), by which means the poor and necessitous, from their inability to pay them, may be deprived of the benefit of those laws which was intended to operate for the advantage of all descriptions of persons, but it likewise arrogates the power of imprisoning the subject without control. Those are serious considerations which we submit to your Excellency's superior judgement, and beg leave to subscribe ourselves

Dore continues to issue writs.

Probable consequences of Dore's action.

Your Excellency's, &c.,

RICHARD ATKINS,

JAMES WILLIAMSON,

Members of the Civil Court.

[Enclosure No. 11.]

GOVERNOR HUNTER TO THE OFFICERS.

Sydney, New South Wales,

Gentlemen,

15th January, 1799.

The subject upon which I have thought it necessary to call you together being of a nature which I conceive of considerable importance to various descriptions of persons in this colony, as well as to the public concerns generally, and as it is my wish to have the advantage of your opinions, I shall have a few questions to propose for your consideration, and upon which I am desirous of receiving your sentiments. But before I put any of those questions it may be proper you should be particularly informed

Hunter calls the officers together.

1799
21 Feb.

on the business which gives rise to them, and that I should lay before you, to assist your judgement in deciding, the original Charter or Patent upon which our Courts of law in this colony are established. I shall now proceed to inform you as briefly as possible.

The origin
of the
dispute.

That a precept having been issued under my hand and seal for assembling a Court of Civil Judicature, and which, agreeable to public notice, was to have met upon the 12th of December last, but was afterwards postponed until the 20th. On that day it assembled. After the members had been sworn, and had taken their seats, the Court entered upon business. A writ having been laid before them of a date anterior to the time appointed for the assembling such Court, the two junior members hesitated upon the propriety of taking cognizance of a matter which had taken place before the Court of which they were members had an existence.

A point of
law.

The letter of the Patent having hitherto governed the proceedings of such Court in this colony, they were desirous of information from the Advocate-Judge how far they could legally take cognizance of the business now brought before them, and which had not received their sanction as members of that Court; they expressed an opinion that such business was informal, and wished the Judge-Advocate to remove the doubts which press'd upon their mind, and that they looked to him as a professional man for that information of which they stood so much in need.

The Judge-
Advocate's
conduct.

Instead of making any attempt whatever to clear up the difficulty under which they labor'd, the Judge-Advocate arose from his chair, took his hat, and quitted the Court, saying that he knew his own authority. He was ask'd by one of the members (both of whom he left in their seats) if he meant to adjourn the Court; he replied he had nothing to do with it.*

The Court
disbanded.

In consequence of this extraordinary and, in my opinion, most unjustifiable conduct of the Judge-Advocate, the other members quitted the Court-room, round which many people were assembled upon business. I met those two gentlemen in the street, and having expres'd some surprize at seeing them there, when I supposed them employ'd on the business of the Court, they were proceeding to inform me of the cause, but I declined receiving information upon a matter of such moment in that way, and desired they would state the circumstances to me in writing, that I might not be liable to mistake or misunderstand their statement; they did so immediately, and address'd their letters upon public service. Being much vex'd and astonished at a conduct so unaccountable, I wrote immediately to the Judge-Advocate, stating the information I had received.† I addressed my letter upon the service of his Majesty, and desired an answer, in order that I might pursue such steps as the public good might require. To

Hunter calls
upon Dore
for an ex-
planation.

* Ante, p. 558.

† Hunter to Dore, 22nd December, 1798, ante, p. 559.

this public letter I have never received any reply whatever, not even an acknowledgement that it had been received.

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21 Feb.

Dore's disrespectful silence.

I shall not in this place animadvert upon this pointed disrespect; another time may be more proper; I shall, however, take this opportunity to observe that, considering it in a public point of view, it can bear no other construction than that of a striking contempt of the office and authority which I hold as the representative of his Majesty in this distant part of his dominions, and which no consideration upon earth shall dispose me to pass over untill it has been laid before the King.

The Court having now been set aside a second time to the great injury and inconvenience of many, I have desired this meeting with you gentlemen in order that I may have the assistance of your judgement relative to the steps which such a conduct may render it necessary for me to adopt for the regular and effectual administration of public justice in all concerns of a civil nature.

Hunter asks officers' advice.

You will see the necessity of coming to an early decision upon a matter in which his Majesty's service and the public welfare of the settlement is so materially concerned.

I am well aware, gentlemen, that my public situation and the power delegated to me from his Majesty will at all times enable me to act with promptitude upon such occasions as the present, or any other wherein it shall appear to me that the public good and his Majesty's service are materially concerned. But I do not incline to give way to any sudden impulse, but to be govern'd by mature consideration; I have therefore to desire your opinions in aid of my own, reserving to myself as the responsible person the power of deciding in such way as the public service may appear to me to require.

Necessity for deliberation.

I have now only to observe, gentlemen, that in deciding upon the questions which I have to propose, it may be proper that you should recollect that every officer in this colony is liable to be nam'd in the precept as a member of the Civil Court, and that it has some time past been my determination to withdraw a part of that fatiguing duty from the very few gentlemen who have hitherto had the burthen of it. One of the members of this present Court is the first of those who have never yet been call'd upon this service.

Constitution of the Court.

JNO. HUNTER.

[Enclosure No. 12.]

HUNTER'S QUESTIONS TO OFFICERS.

Questions propos'd by the Governour to the Principal Officers in the Colony (Civil, Military, and Naval), in the Court-room, Sydney, January 15th, 1799:—

1st. Are you, gentlemen, of opinion that the Judge-Advocate of this colony has a power wholly independent of our Court of Civil Jurisdiction to issue writs in his own name?

Powers of the Judge-Advocate.

- 1799
21 Feb. 2nd. Have the members of a Civil Court authority to delegate to the Judge-Advocate a power to issue writs in his own name during the adjournment of the Court?
- A question of delegation. 3rd. If you shou'd admit that the other members may, without impropriety, sanction the Judge-Advocate's issuing writs in the name of the Court, during its adjournment, and as a matter of convenience to those who have business to do before that Court, can such authority operate upon the members of any subsequent Court, or is it effectual only during the existence of that Court of which those who gave that authority were members?
- 4th. Do you suppose if the present Judge-Advocate to this colony brought out with him any power authorizing him to act in matters which we have consider'd cognizable only by a Court, wholly and absolutely independent of the other members of that Court, that there cou'd be any occasion for his applying for their sanction in writing for that purpose?
- The Judge-Advocate's duty. 5th. Is it not the duty of the Judge-Advocate to afford such information relative to points or forms of law to the other members of the Court as they may see occasion to apply to him for?
- His powers 6th. Do you think, if the Judge-Advocate had brought out with him to this country any power different from what was originally granted to that office in this country, and particularly such as cou'd authorize him to annul the instructions so expressly given in the Patent for holding our Courts, and to adopt such as he chose instead, that such powers would not have been made known to the commanding officer, under whose authority they were to be exercis'd?
- and authority. 7th. Are you of opinion that any situation which the present Judge-Advocate to this colony may have heretofore held in any of the Courts of law in England is a sufficient authority for him in this country to make whatever innovations or alterations he may be desirous of in those instructions contained in the Patent before you, and which have hitherto governed all our judicial proceedings in this settlement from its establishment?
- The wording of the Patent. 8th. Have you been able to discover anything defective or unintelligible in the Charter or Patent for establishing our Civil Court here which could possibly justify any innovation whatever upon its sense or meaning, until such defect or unintelligible part had been first represented to his Majesty's Minister, and we had received the sanction of Government for such alteration?
- Dore's manner towards the other members, 9th. Was the manner of the Judge-Advocate upon the first assembling of the Civil Court, on the 20th December (the particulars of which I have stated from the authority of the other members), such as it should have been *in that place and upon that occasion*?

10th. Could such a manner be considered in any other light than that of a gross insult to the Court itself, and as mark'd contempt of the authority by which it had been assembled? 1799
21 Feb.

11th. Do you think it the duty of an officer holding an appointment under the Crown, when he receives a letter addressed upon the service of his Majesty, and that, too, from a superior authority, to acknowledge the receipt of such letter, and if it requires it to return an answer? and disrespect towards Hunter.
J.H.

[Enclosure No. 13.]

OFFICERS' REPLIES TO GOVERNOR HUNTER.

Sir, Court-house, Sydney, 15th January, 1799.

In answer to the questions your Excellency has been pleased to submit to our consideration, we beg leave to reply to the,—

1st. That we are of opinion that the Judge-Advocate is not authorised by the Patent to issue writs but in conjunction with the two members who, with the Judge-Advocate, constitute the Court, because the Patent, in our judgment, expressly enacts and directs that a Civil Court of Judicature shall constantly be in existence for the purpose at all times of dispensing instant justice, which Court is, in our opinion, alone competent to decide on all actions or complaints of debt—altho' it has hitherto been the practice of the magistrates to decide on complaints of debts for small sums, a practice that we suppose has originated in a misconception of the Patent." The officers' interpretation of the Patent.

To the 2nd :—That the members of the Civil Court have no right to delegate any authority to the Judge-Advocate to issue any writ whatever, unless they are present.

To the 3rd and 4th we answer in the negative.

To the 5th and 6th we answer in the affirmative.

To the 7th and 8th we answer in the negative.

9th. Is a subject, in its nature, of such extreme delicacy (Mr. Dore not being present to account for his conduct) that we must decline offering any opinion on it. And on the 10th we are, with submission, of the same opinion. Their replies to Hunter's queries.

11th. We conceive neglecting to acknowledge any public letter from the Governor to be disrespectful and highly improper.

We have, &c.,

J. FOVEAUX.

GEO. JOHNSTON.

JNO. SHORTLAND.

JOHN McARTHUR.

J. T. PRENTICE.

AUGUSTUS ALT.

WILLIAM BALMAIN

1799 I beg to answer the first question by a simple negative, and in
21 Feb. all the others I perfectly agree with the foregoing signatures.

H. WATERHOUSE.
R. JOHNSON.

To the first question we answer only in the negative, and to the ninth and tenth questions, the Judge-Advocate's conduct was highly improper. To all the other questions we are of the same opinion with the other subscribers.

WM. KENT.
S. MARSDEN.

[Enclosure No. 14.]

JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER.

Judge-Advocate's Office, 20th January, 1799.

Dore replies
to Hunter. THE Judge-Advocate has the honor of the Governor's official communication on the subject of the meeting conven'd by his Exc'y on Tuesday last.

The Judge-Advocate, in obedience to the Governor's commands, will certainly pay due attention to the unanimous opinion of the chief officers of the colony. At the same time he presumes that it is intended to regulate future proceedings without any retrospect to the past, the cancelling or suspending of which his Exc'y may be assured will inevitably be productive of very serious inconvenience to the public.

Construction
of the
Patent.

In the copy of the Patent which the Governor furnish'd the Judge-Advocate with for his instruction the words alluded to by his Exc'y are omitted, consequently the error rests with the transcriber. Otherwise such words obviously carry with them a meaning which it was not possible to have misconceiv'd, namely, "That a Civil Court of Judicature shall constantly be in existence for the purpose at all times of dispensing instant justice."^{*}

Dore asks
for copies to
send home.

The Judge-Advocate takes leave to request his Exc'y will be pleased to direct a copy of all the questions proposed at the meeting to be sent, without which his narrative of these proceedings will necessarily be imperfect, and a chasm appears in the details which his friends in England will be at a loss to account for.

A rumour.

The Judge-Advocate is surprised to hear a report has been current at Parramatta that Mr. Atkins shortly expects to resume his office as Acting Judge-Advocate, and the tone of exultation with which that gentleman has thought proper to give out that he has declar'd the writs lately issued to be null and void seems to afford a reasonable conjecture from what quarter, and to answer what temporary purpose, this report has originated.

^{*} These words were quoted from the officers' reply to Hunter's first question (ante, p. 573). They were not, as Dore here apparently pretended to believe, quoted from the Patent. See the text of the Patent, Vol 1, part 2, p. 70.

THE INTERPRETATION OF THE PATENT.

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[Enclosure No. 15.]

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GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

21 Feb.

21st January, 1799.

THE Governor has no other observations to make to Mr. Dore upon the sense and meaning of the Patent than to remark that Mr. Dore is desirous of putting a sense upon it which no officer or other person in the colony can admit, as appears by the unanimous opinion laid before the Governor, and in which he perfectly coincides. Hunter's reply.

The transcript of that part of the Patent which has been the subject of consideration is correct; the words which Mr. Dore has thought proper to quote, and is desirous of considering as the express words of the Patent, if he will take the trouble to recur to the answer made by the officers to the Governor's first question, he will discover that it is the language in which those gentlemen chose to convey their construction of the sense and design of the Patent, and not what Mr. Dore is dispos'd to imagine may be the words of that instrument. A correction.

Mr. Dore presumes that the opinion of the Governor and officers is intended only to regulate future proceedings without any retrospect to the past. But as Mr. Dore knew long before the Governor saw it necessary to collect the opinions of the officers that those opinions were unfavourable to his plan, which they have not hesitated to declare illegal, he cannot suppose that they will sanction what they have so often condemned as wrong. Mr. Dore has had very early information upon this subject, but has chosen to hold in contempt and to act in defiance of such opinions. The officers' opinions.

Mr. Dore's observation respecting Mr. Atkins wou'd have been more properly sent to that gentleman. The Governor desires Mr. Dore will not trouble him with insinuations of a private nature which respect others, and with which he can have no concern. Mr. Atkins is capable of answering for himself, if Mr. Dore has any charge to bring against him. He shall be informed of the report Mr. Dore has heard to his disadvantage, and he may perhaps be able to trace the source from whence it came. Atkins and Dore.

JNO. HUNTER.

[Enclosure No. 16.]

JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER.

Sir,

Sydney, 22nd January, 1799.

As no part of our correspondence on the subject of the Patent seems likely to remove the obstacles which have occur'd in the construction of it, I shall give your Exc'y no further trouble than merely to observe it appears rather extraordinary that the tenor and meaning of so important an instrument shou'd Ending a fruitless correspondence.

1799 have been misconceiv'd for such a series of years, and by so many
 21 Feb. able and intelligent officers, and now only begun to be understood
 because the Judge-Advocate has in his professional character
 offer'd an interpretation of it which your Exc'y is not disposed
 to allow.

Dore and the I cou'd have wish'd your Exc'y had favoured me with the
 officers. names of those gentlemen whose opinions you are pleas'd to say
 I have held in contempt and set at defiance, and had pointed out
 at what time those opinions were said to have been suggested to
 me. I shou'd have had an opportunity of convincing your Exc'y
 that I am incapable of arrogating to myself any power inconsis-
 tent with the duties of my office.

Hunter's You, sir, have done me the honor in more than one or two
 confidence instances to say you left the exercise of those duties intirely to
 in Dore. myself, in full confidence of my judgement, nor did your Exc'y
 ever express any doubt to me as to the legality of my proceedings
 until after you had conven'd the officers of the colony and taken
 their opinion on the subject. Permit me to remark that such a
 measure was altogether unnecessary, so far as my sense of duty
 was implicated, since I shou'd most certainly have paid every
 Dore awaits respect to your Exc'y's pleasure, so soon as it had been signified
 Hunter's to me either officially or privately ; and after observing that the
 pleasure. affairs of the trading part of the colony are every day getting
 more and more confused and derang'd on account of the total
 suspension of law proceedings (produced by this recent construc-
 tion of the Charter), I beg leave to add that I wait your Exc'y's
 commands, and have the honor to remain, &c.

RICHD. DORE.

[Enclosure No 17.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

Sir,

23rd January, 1799.

Construction of the I have no inclination to dwell longer upon the subject of
 Patent. that Patent, the tenor and meaning of which you express surprize
 shou'd not have been understood untill now ; but this being *your*
opinion only, I shall observe that it never has in *mine* been mis-
 understood untill your arrival in the colony, nor have I upon any
 occasion which concern'd our Courts of law had difficulty or trouble
 in my public situation to contend with until that period.

Permanency of the Court. The meeting which I assembled was for the purpose of a full and
 complete investigation of that very Patent, and the only difference
 in the construction of its sense and meaning from former opinions
 which that assembly entertain'd was that it appear'd to be the
 object and design of that instrument that a Court of Civil Jurisdic-
 tion shou'd be constantly in existence in this colony, the occasional
 members of which being at all times known cou'd be assembled at
 an hour's notice for the purpose of instant justice.

It is impossible I shou'd not feel astonishment at your appearing not to know that the two junior members of this last Civil Court are the gentlemen whose opinions you appear'd by your treatment of them to hold in contempt, and to have set at defiance, by issuing writs from your own authority, after they had publicly and in your own presence declared them illegal. 1799
21 Feb.
The junior members of the Court.

It was always my wish to leave the dutys of the Judge-Advocate to the sole management of whatever officer might have been appointed by his Majesty to fill that office, so long as he acted consistent with that instruction by which he shou'd be govern'd; but it is a part of the Governor's duty, whenever he shall see just cause, to interfere and to forbid every improper innovation upon those instructions. The Judge-Advocate and the Governor.

You are, sir, incorrect in your observation that I never expres'd any doubt of the legality of your proceedings untill after I had conven'd the officers of the colony, because on the 20th of Dec'r, when you left the Court in the extraordinary manner you then did, you soon after call'd upon me; I on that occasion gave you my sentiments on your having arrogated to yourself a power of acting independent of the other members of the Court, and which in my judgement was illegal. An interview.

I have no will of my own to gratify or indulge contrary to the general good, nor am I dispos'd to medle in concerns of so much importance as those for which the law has so amply provided; my desire is, that the instructions we have been supplied with, and which appear to me to be plain, clear, and intelligible, may be our constant guide. There does not seem any room for misconstruction by the trading part of the colony. I can only imagine you may allude to the private petty dealers, who are in my opinion a public pest, a class of people ruinous to that description of men who ought to be the chief support of the colony—the laboring farmer. Hunter's wishes and policy.

Our ideas seeming to differ so very widely in points of some consequence is sufficient cause for my desiring that you shou'd consider the confidential situation into which at *your own solicitation** I had chosen you as now at an end. Dore his secretary no longer.

I am, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord Duke,

21st February, 1799.†

The increasing perplexitys which have of late attended some of our law proceedings, and the present appearance of party Legal complications.

* In Hunter to Portland, 25th May, 1798, ante, p. 390, Hunter stated that he had appointed Dore upon the recommendation of the Duke of Portland.

† For some reason, now unknown, Hunter antedated this letter. The trial of Nichols occurred in the middle of March, and there is evidence to show that Hunter despatched this letter in or about the month of June, 1799.

- 1799
21 Feb. taking place in our Courts, are considerations of such weighty importance that I shou'd consider myself highly difficient in my attention to his Majesty's service were I not to make your Grace acquainted with the necessity of an immediate remedy or some instructions on the subject. My separate letter* of this date will in some degree shew from whence some part of those difficultys may reasonably be suppos'd to arise or be encourag'd. But that your Grace may have the most clear and distinct evidence of the prevalence of party here, operating in various ways to the injury of the public service and general interest of the colony, I transmit some circumstances relative to the proceedings of a Court of Criminal Judicature lately held here for the trial of several offenders.
- The influence of faction.
- Judge-Advocate Dore. I shall only remark here, my Lord, that no difficultys of the nature alluded to were ever known in this colony formerly. I had vainly hop'd and believ'd that the Judge-Advocate, lately arriv'd, wou'd have proved a public advantage to all our judicial concerns, and, thro' that means, a vast relief to my mind, and that he would have convinc'd the whole colony that he wou'd exercise the duties of his office in the most independent manner, unconnect'd with party of any kind. To shew how far I am warrant'd in saying that a party exists in this colony for the most indefencible of all purposes, comenting upon all the public measures which are found calculated to interfere in any degree with the private objects and views of the dealers, whose ruinous traffic I have said so much upon, and putting the most inaplicable and malicious constructions upon them, and forcasting, wherever it may be possible, stumbling-blocks in my way and in that of such officers as may have spirit and independence enough to co-operate with me upon public service, I transmit at length the trial of a man whose prosecution I must declare to your Grace has appear'd to me to have been carried on thro' a chain of such evidence as wou'd not have been admitted in any Court of law in England, Scotland, or Ireland; the minutes of the Court will, without any remarks of mine, satisfy your Grace upon the subject. But it may be necessary, in order to make it clear to your Grace that I have no motive but the general good, and that my representation upon this occasion proceeds from a most ardent desire of seeing rigid justice administer'd to all his Majesty's subjects who reside here under my authority, and to prevent, as far as it may be in my power, everything which has the smallest appearance of oppression, I judge it proper to point out who this man whose sentence I have not confirm'd is—Isaac Nichols. He was chief overseer of the different gangs employ'd in labour of various kinds about the town of Sydney and its vicinity. His general conduct and character, after an experience of two years and a half in that station, stood high in my estimation, as well as in that of Captain Johnston, my aide-de-camp, from whom
- Party quarrels.
- The trial of Isaac Nichols.
- His employment and character.

* Ante, p. 547.

he in general receiv'd my orders, altho' frequently from myself in person. He was of more advantage to the prompt execution of the different works upon which he was employ'd than any man of his line in the service of Government within this settlement. He officiated in all the dutys of a superintendant, altho' only an overseer, with the utmost assiduity and most conspicuous diligence, and sav'd much trouble to me by his unwearied attention. Being **A farmer** a free man, altho' formerly a convict, his sentence having been expir'd some years, and being a most exemplary character, he had a small farm, upon which, having no sallery, I allow'd him, as a compensation for the weighty dutys he perform'd, two men. By means of his sobriety and industry he had sav'd as much money as enabled him to build himself a comfortable house for the accomodation of not only himself and his family, but he let it occasionally to strangers ; and, in short, this man, by his diligence and sobriety, was prospering. To remove from the service of Government a man so truly usefull will ever be an object with those whose private concerns are in any way effected by a close attention to those of the public ; he therefore became an object to be notic'd, because he stood in the way of others. **1799**
21 Feb.
and a prosperous man.

It is from my examination of the minutes of the trial, the nature of the evidence, and the characters who appear'd against him, that I feel myself justified in pronouncing the verdict erroneous, as far **An erroneous verdict.** as my judgement will serve to direct me. Your Grace will see from the trial itself, which is herewith inclos'd, the charges exhibited against this man, and with respect to the convict evidence in support of that charge I shall only say that they are amongst the most abandon'd characters in this settlement. Your Grace will also have **The evidence** the votes or opinions of the members who compos'd the Court, as well as the written and verbal testimony offered to the character of the prisoner and produc'd in Court from respectable authoritys.* From all these proofs and testimonials your Grace will observe some ground for fearing a prejudice in the case of this man, for as far as the hearsay evidence which has been allow'd against him has been **hearsay.** consider'd by me, there does not appear anything like proof to convict him ; nor can I admit that hearsay evidence shou'd have been suffer'd on so serious an occasion as that where a man's life may be in danger ; yet it was admitted by the Judge-Advocate, whose duty it was to inform the Court in what instances such evidence cou'd be allow'd, and the more particularly thro' such characters. In short, my Lord, it will be a happy circumstance for this colony when its Court can be form'd more upon the plan of the mother country, with an upright and independent Judge at its head ; for here, my Lord, the people are so extremly bad, so very **Unsatisfactory constitution of Court.**

* *Note by Governor Hunter* :—Those votes I shou'd not have desir'd but for the sole purpose of making the whole of this trial clear and distinct to your Grace, and to shew that I have sufficient reason for disapproving the sentence.

- 1799 taking place in our Courts, are considerations of such weighty
21 Feb. importance that I shou'd consider myself highly diffident in my
attention to his Majesty's service were I not to make your Grace
acquainted with the necessity of an immediate remedy or some
instructions on the subject. My separate letter* of this date will
in some degree shew from whence some part of those difficultys
may reasonably be suppos'd to arise or be encourag'd. But that
The influence of your Grace may have the most clear and distinct evidence of the
faction. prevalence of party here, operating in various ways to the injury
of the public service and general interest of the colony, I transmit
some circumstances relative to the proceedings of a Court of
Criminal Judicature lately held here for the trial of several
offenders.
- I shall only remark here, my Lord, that no difficultys of the
nature alluded to were ever known in this colony formerly. I had
vainly hop'd and believ'd that the Judge-Advocate, lately arriv'd,
Judge-Advocate would have proved a public advantage to all our judicial concerns,
Dorc. and, thro' that means, a vast relief to my mind, and that he would
have convinc'd the whole colony that he wou'd exercise the duties
of his office in the most independent manner, unconnect'd with
party of any kind. To shew how far I am warrant'd in saying
Party that a party exists in this colony for the most indefensible of all
quarrels. purposes, comenting upon all the public measures which are found
calculated to interfere in any degree with the private objects and
views of the dealers, whose ruinous traffic I have said so much
upon, and putting the most inaplicable and malicious constructions
upon them, and forecasting, wherever it may be possible, stumbling-
blocks in my way and in that of such officers as may have spirit
and independence enough to co-operate with me upon public
service, I transmit at length the trial of a man whose prosecution
The trial of I must declare to your Grace has appear'd to me to have been
Isaac carried on thro' a chain of such evidence as wou'd not have been
Nichols. admitted in any Court of law in England, Scotland, or Ireland; the
minutes of the Court will, without any remarks of mine, satisfy
your Grace upon the subject. But it may be necessary, in order
to make it clear to your Grace that I have no motive but the
general good, and that my representation upon this occasion pro-
ceeds from a most ardent desire of seeing rigid justice administer'd
to all his Majesty's subjects who reside here under my authority,
and to prevent, as far as it may be in my power, everything which
has the smallest appearance of oppression, I judge it proper to point
His employ- out who this man whose sentence I have not confirm'd is—Isaac
ment and Nichols. He was chief overseer of the different gangs employ'd
character. in labour of various kinds about the town of Sydney and its vicinity.
His general conduct and character, after an experience of two
years and a half in that station, stood high in my estimation, as
well as in that of Captain Johnston, my aide-de-camp, from whom

* Ante, p. 547.

he in general receiv'd my orders, altho' frequently from myself in person. He was of more advantage to the prompt execution of the different works upon which he was employ'd than any man of his line in the service of Government within this settlement. He officiated in all the dutys of a superintendant, altho' only an overseer, with the utmost assiduity and most conspicuous diligence, and sav'd much trouble to me by his unwearied attention. Being 1799
21 Feb. a free man, altho' formerly a convict, his sentence having been expir'd some years, and being a most exemplary character, he had a small farm, upon which, having no sallery, I allow'd him, as a compensation for the weighty dutys he perform'd, two men. By means of his sobriety and industry he had sav'd as much money as enabled him to build himself a comfortable house for the accomodation of not only himself and his family, but he let it occasionally to strangers ; and, in short, this man, by his diligence and sobriety, was prospering. To remove from the service of A farmer
and a prosperous man. Government a man so truly usefull will ever be an object with those whose private concerns are in any way effected by a close attention to those of the public ; he therefore became an object to be notic'd, because he stood in the way of others.

It is from my examination of the minutes of the trial, the nature of the evidence, and the characters who appear'd against him, that I feel myself justified in pronouncing the verdict erroneous, as far An
erroneous
verdict. as my judgement will serve to direct me. Your Grace will see from the trial itself, which is herewith inclos'd, the charges exhibited against this man, and with respect to the convict evidence in support of that charge I shall only say that they are amongst the most abandon'd characters in this settlement. Your Grace will also have The
evidence the votes or opinions of the members who compos'd the Court, as well as the written and verbal testimony offer'd to the character of the prisoner and produc'd in Court from respectable authoritys.* From all these proofs and testimonials your Grace will observe some ground for fearing a prejudice in the case of this man, for as far as the hearsay evidence which has been allow'd against him has been hearsay. consider'd by me, there does not appear anything like proof to convict him ; nor can I admit that hearsay evidence shou'd have been suffer'd on so serious an occasion as that where a man's life may be in danger ; yet it was admitted by the Judge-Advocate, whose duty it was to inform the Court in what instances such evidence cou'd be allow'd, and the more particularly thro' such characters. In short, my Lord, it will be a happy circumstance for this colony when its Court can be form'd more upon the plan of the mother country, with an upright and independent Judge at its head ; for here, my Lord, the people are so extremly bad, so very Unsatisfactory
constitution
of Court.

* *Note by Governor Hunter* :—Those votes I shou'd not have desir'd but for the sole purpose of making the whole of this trial clear and distinct to your Grace, and to shew that I have sufficient reason for disapproving the sentence.

1799

21 Feb.

Honest men
in danger.

abandon'd in principle, that if this kind of hearsay evidence is admitted in our Courts for the trial of criminals, or are in any way encourag'd to come forward, there can be nothing so easy as to furnish any number upon any occasion. No virtuous or honest character can feel himself safe ; a wicked or jealous neighbour may plan his destruction, and with ease obtain this kind of proof to endanger his life ; and if ever party shall get footing in our Courts ruin to the colony and all its concerns must inevitably ensue. An innocent man, if he has any enemys—and few are wholly without—will be in continual danger. These circumstances demand in the Governor of this colony the most rigid and scrupulous examination of the minutes of every trial, and before he ventures to affix his assent to the verdict he ought to consider the whole evidence and circumstances. Well, he shou'd use every means to satisfy his own mind.

An unauthorised
act.Dore
charged
with parti-
sanship.Hunter's
attitude.The
character of
Nichols.

But here, my Lord, you will discover by the inclos'd letter of the Judge-Advocate to me, No. 3,* in answer to mine, No. 2,† that he has voted at a meeting of magistrates for carrying the sentence of a Court into execution without waiting for my approval. This man, my Lord, has us'd the authority of other magistrates without their knowledge to support his view of snatching out of my hands an essential part of the executive authority of the Governor. Your Grace I am convinced will pardon my expressing myself rather warmly upon such occasion, but I must declare, my Lord, that had an opportunity been within my power I shou'd have order'd him to return to England. It is evident he is influenc'd by a party to act as he has done, and such appearances will be ever dangerous to the peace and tranquillity of the settlement. The people see the prevalence of such party, and as many seditious characters are to be found amongst us, I conceive such appearance injurious to his Majesty's authority and government. If any grievances or oppressions were found to exist on my side, or were felt to proceed from me by any one person of any discription within this territory, they shou'd be made known in order to their being got the better of. Whatever may be the meaning or design of such confederacy, I shall only assure your Grace that I will be found what I ought to be—firm and ditermin'd.

Surely, my Lord, the written testimony offer'd by myself and others to the character of the prisoner Nichols we had reason to hope would have had some weight where so small a majority voted him guilty ; but instead of its having been usefull to the man with that part of the Court, had he appear'd from respectable proofs to have been guilty to the full extent of the charge, his sentence cou'd scarcely have been more severe. It is, I confess, my Lord, evident to me that there was a point to be gain'd. I cou'd coment largely upon this trial, but it may be improper I shou'd. I have therefore

* Post, p. 610.

† Post, p. 600.

would come in the evening he (Nicholls) wo'd pay Wright for the tobacco, meaning the said tobacco the witness had then delivered, and by the order of Isaac Nicholls the witness deposited the said tobacco in a right-hand room of said Nicholls's house; the witness was then told by Nicholls's man to leave the wheelbarrow and call for it again lest there sho'd be any suspicion about the tobacco; that a few hours after he went for the said wheelbarrow, and was told by Nicholls's woman that he had better take the tobacco away, as the alarm about Mrs. Mullett's robbery had spread, and the constables were in quest of the stolen tobacco and property; that the witness answered he would call for it in the evening; that he took away the empty barrow, and as he was returning therewith he met Isaac Nicholls near the gaol, who asked him where Sam Wright was, to which he replied he was coming down Sydney with one Jack Colley; that he took ye wheelbarrow home to Joe Taylor's, from whence he was taken into custody on suspicion of robbing Mrs. Mullett's house of the tobacco; that Samuel Wright was also apprehended afterwards; that the next morning (Sunday) he and Wright were discharged; that the witness then went home to Taylor's, where he usually resided, when Taylor expressed his surprize at seeing him out of custody without an hearing; that the witness replied he thought it was a planned thing between Kable and Nicholls to detect them in their pursuits after the said tobacco supposed to have been planted; that in the evening (being Monday) the witness, with Wright, went together to the house of Isaac Nicholls, where the servant informed them said Nicholls was not at home; that in the course of the same evening they called again at Nicholls's, when the servant informed them his master was at home, and accosted them thus, "Oh, you are come about the tobacco?" that said servant went up to said Nicholls and brought a message from him importing that the tobacco was placed between two rocks near the new house building for Mr. Moore, and if they chose to go for it they might; that they then quitted the house, and the witness refused to go for it, saying to Wright he would not be hanged about it; but Wright said he would go for it if he could get a boat, to which this witness answered he was sure there were constables set to watch it; that the witness returned home to Taylor's house and related what had passed, when Taylor observed to him that he thought it was as he mentioned from the circumstance of their being released in the morning; that Will'm Geary was present.

1799
21 Feb.

The alarm.

Baylis and
Wright are
arrested.

Baylis's
account
of the
transaction.

Q. by the prisoner to this witness.—Did Wright leave my house at the time you speak of as to the delivery of the tobacco?

Cross-
examined by
Nichols.

A.—Yes; they both went away together.

Q.—After Wright and you were released out of custody, did you come to my house immediately?

A.—No; not till the evening.

1799

21 Feb.

Statements
by officers
composing
Court.

possession of an authority which they shall never wrest out of my hands whilst I am capable of holding it.

I have judg'd it necessary, in consequence of the letters which I receiv'd from the three military officers who were members of the above Criminal Court, and which is inclos'd in my separate letter of 30th April,* herewith sent, to inform those naval officers who were also members of that Court that those gentlemen had propos'd to make observations upon the trial of the prisoner Nichols, and hop'd I wou'd transmit them to your Grace with my dispatches : the naval officers have in consequence requested that I will transmit their observations also ; they are therefore enclos'd,† and I am of opinion they will serve altogether to shew that I am well warranted in suspending the immediate execution of the sentence pass'd on the above prisoner.

I have, &c.,
JNO. HUNTER.

[Enclosure No. 1.]

TRIAL OF I. NICHOLLS.‡

At a Court of Criminal Judicature, held by virtue of a precept under the hand and seal of his Excellency John Hunter, Esqr., Captain-General and Governor-in-Chief in and over his Majesty's territory called New South Wales and its dependencies, on Tuesday, the 12th day of March, in the year of our Lord 1799.

Composition
of the
Court.

Present :—The Judge-Advocate, Captain Henry Waterhouse, Lieut't Willm. Kent, Lieut't Matthew Flinders, Lieut't Neil M'Kellar, Lieut't James Hunt Lucas, Ensign Nicholas Bayly.

ISAAC NICHOLLS was placed at the Bar as a receiver of stolen goods. The prisoner pleaded not guilty.

Evidence of
Richard
Baylis.

Richard Baylis (admitted an evidence on the part of the Crown):—

Deposeth that on the delivery of the baskett of tobacco (deposed to in the trial of Collins, Vanderstein, and Chandler)§ he was desired by Samuel Wright to take it to the house of Isaac Nicholls in Sydney ; that he accordingly did so, and about the hour of 5 in the morn'g he wheeled the same down to Nicholls's house, and enquired for Mr. Nicholls of the servant, who called his master down and asked the witness where Samuel Wright was, at which time Wright came in ; that Nicholls and Wright conversed together ; that the witness heard Nicholls tell Wright if he

The charge
against
Nichols.

* Post, p. 658.

† See the statements of Waterhouse, Flinders, and Kent.—Post, pp. 622 to 635.

‡ The proceedings in this remarkable trial, though somewhat lengthy, are given in full, on account of the light they throw upon the relations existing between Hunter and the military officers.

§ These trials had preceded this.

would come in the evening he (Nicholls) wo'd pay Wright for the tobacco, meaning the said tobacco the witness had then delivered, and by the order of Isaac Nicholls the witness deposited the said tobacco in a right-hand room of said Nicholls's house; the witness was then told by Nicholls's man to leave the wheelbarrow and call for it again lest there sho'd be any suspicion about the tobacco; that a few hours after he went for the said wheelbarrow, and was told by Nicholls's woman that he had better take the tobacco away, as the alarm about Mrs. Mullett's robbery had spread, and the constables were in quest of the stolen tobacco and property; that the witness answered he would call for it in the evening; that he took away the empty barrow, and as he was returning therewith he met Isaac Nicholls near the gaol, who asked him where Sam Wright was, to which he replied he was coming down Sydney with one Jack Colley; that he took ye wheelbarrow home to Joe Taylor's, from whence he was taken into custody on suspicion of robbing Mrs. Mullett's house of the tobacco; that Samuel Wright was also apprehended afterwards; that the next morning (Sunday) he and Wright were discharged; that the witness then went home to Taylor's, where he usually resided, when Taylor expressed his surprize at seeing him out of custody without an hearing; that the witness replied he thought it was a planned thing between Kable and Nicholls to detect them in their pursuits after the said tobacco supposed to have been planted; that in the evening (being Monday) the witness, with Wright, went together to the house of Isaac Nicholls, where the servant informed them said Nicholls was not at home; that in the course of the same evening they called again at Nicholls's, when the servant informed them his master was at home, and accosted them thus, "Oh, you are come about the tobacco?" that said servant went up to said Nicholls and brought a message from him importing that the tobacco was placed between two rocks near the new house building for Mr. Moore, and if they chose to go for it they might; that they then quitted the house, and the witness refused to go for it, saying to Wright he would not be hanged about it; but Wright said he would go for it if he could get a boat, to which this witness answered he was sure there were constables set to watch it; that the witness returned home to Taylor's house and related what had passed, when Taylor observed to him that he thought it was as he mentioned from the circumstance of their being released in the morning; that Will'm Geary was present.

Q. by the prisoner to this witness.—Did Wright leave my house at the time you speak of as to the delivery of the tobacco?

A.—Yes; they both went away together.

Q.—After Wright and you were released out of custody, did you come to my house immediately?

A.—No; not till the evening.

1799

21 Feb.

The alarm.

Baylis and Wright are arrested.

Baylis's account of the transaction.

Cross-examined by Nichols.

1799 have been misconceiv'd for such a series of years, and by so many
21 Feb. able and intelligent officers, and now only begun to be understood
because the Judge-Advocate has in his professional character
offer'd an interpretation of it which your Exc'y is not disposed
to allow.

Dore and the I cou'd have wish'd your Exc'y had favoured me with the
officers. names of those gentlemen whose opinions you are pleas'd to say
I have held in contempt and set at defiance, and had pointed out
at what time those opinions were said to have been suggested to
me. I shou'd have had an opportunity of convincing your Exc'y
that I am incapable of arrogating to myself any power incon-
sistent with the duties of my office.

Hunter's You, sir, have done me the honor in more than one or two
confidence instances to say you left the exercise of those duties intirely to
in Dore. myself, in full confidence of my judgement, nor did your Exc'y
ever express any doubt to me as to the legality of my proceedings
until after you had conven'd the officers of the colony and taken
their opinion on the subject. Permit me to remark that such a
measure was altogether unnecessary, so far as my sense of duty
was implicated, since I shou'd most certainly have paid every
respect to your Exc'y's pleasure, so soon as it had been signified
to me either officially or privately; and after observing that the
Dore awaits affairs of the trading part of the colony are every day getting
Hunter's more and more confused and derang'd on account of the total
pleasure. suspension of law proceedings (produced by this recent construc-
tion of the Charter), I beg leave to add that I wait your Exc'y's
commands, and have the honor to remain, &c.

RICHD. DORE.

[Enclosure No 17.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

Sir,

23rd January, 1799.

Construc-
tion of the
Patent.

I have no inclination to dwell longer upon the subject of
that Patent, the tenor and meaning of which you express surprise
shou'd not have been understood untill now; but this being your
opinion only, I shall observe that it never has in *mine* been mis-
understood untill your arrival in the colony, nor have I upon any
occasion which concern'd our Courts of law had difficulty or trouble
in my public situation to contend with until that period.

Permanency
of the Court.

The meeting which I assembled was for the purpose of a full and
complete investigation of that very Patent, and the only difference
in the construction of its sense and meaning from former opinions
which that assembly entertain'd was that it appear'd to be the
object and design of that instrument that a Court of Civil Jurisdic-
tion shou'd be constantly in existence in this colony, the occasional
members of which being at all times known cou'd be assembled at
an hour's notice for the purpose of instant justice.

he entered into a conversation with said Taylor, and the name of Baylis was ment'd by Taylor, who observed that said Baylis was a principal evidence against Nicholls, but that he thought Baylis would not say anything if he was brought forward, for that he (Taylor) well knew the disposition of the boy (meaning Baylis), and that he was so fixed in his mind that he would not be bro't over to say anything; that Baylis had lodged with him for some time, and he knew his disposition better than anyone. That the witness observed he was going up to Parramatta if the wind was fair; and Taylor then enquired if he should be at Toongabbee? That the witness replied, "I daresay I shall, having business near there." That Taylor then said, "You know the boy, Baylis?" That the witness answered, "Yes; he had seen him at Toongabbee, and also at his house." That the witness said he should go to the house of Jones the baker; that Taylor desired the witness would enquire of Jones where Baylis was—observing he believed he was at work at Stapleton's farm, but that Jones wo'd send for him; that the witness promised Taylor he wo'd see the boy. Taylor then requested of this witness to inform him that everything remained exactly as it did when he saw or heard from him last; that no doubt he would be examined upon the business, but that it rested entirely with him (meaning Baylis), or words to that effect. That the witness went to Toongabbee the following morn'g after being with Jones, and not finding Baylis there, asked Jones if he knew a lad of the name of Baylis, who replied yes, that he had been there the evening before; that the witness then told Jones he had a message from Jos. Taylor, and wished him to be sent for; that after some enquiries the witness saw Baylis and delivered him the message accordingly, viz., that no doubt he wo'd be bro't up, and that some little promises might be made to him; that Capt. Wilkinson would exert himself in the discovery of the business; but whether he chose to satisfy Capt. Wilkinson by giving him any information, he might act in that respect as he (Baylis) thought proper; that Baylis thanked the witness, and told him he sho'd be down at Sydney the Friday following, which he desired the witness to inform Taylor; that on the witness's return he informed said Taylor thereof respecting the prisoner. The witness would not take upon him to relate any particular conversation passing.

1799

21 Feb.

His conversation with Taylor.

Message to Baylis.

Baylis's reply.

Joseph Taylor, being duly sworn :—

Deposeth that about three weeks since he met the prisoner opposite the house of Major Foveaux, in Sydney, who asked the witness when he had heard from the young one (meaning Richard Baylis)? Who answered, "The last week." That the prisoner then asked the witness if he thought the boy (meaning Baylis) was staunch? That the witness answered he thought he was. That the prisoner then replied if he (meaning Baylis) was staunch in this he should

Joseph Taylor's evidence.

His conversation with Nichols.

THE never went for anything whilst he was on the island—adding, if he
2 W. is examined in this nothing would hurt him (the prisoner) in this
 affair—meaning the affair of the tobacco taken by Baylis to the
 house of the prisoner: that some time after the prisoner came up to
 the witness in the town of Swines, and told him, the young one
 meaning Baylis, was sent for by the magistrates, but that if the
 boy was examined nothing would hurt him (the prisoner): that Baylis,
 who lived in the same house with the witness, had frequently con-
 versed with him, and had told the witness that he had wheeled one
 basket of tobacco delivered to him by Wright, for the purpose of
 conveying it to Isaac Norton's house, and that he (said Baylis) had
 so done by taking the same in a wheelbarrow: and that the prisoner
 had told him said Baylis to come again for the money, and that
 when he went for said payments he was told that the said tobacco
 was stowed between two rocks, and he might fetch it if he w'd;
 and that he told ye witness Wright accompanied him to the house
 of the prisoner on that occasion: that the witness advised him to
 have nothing to do in the business, and desired him to leave his
 house: that he went to Toongabbee. Remembers James Remnant
 having some conversation with him, but will not say that he sent
 any message to Baylis, as stated in that witness's testimony, or
 that he had any conversation respecting Mrs. Mullett's robbery.
 The message he sent to Baylis by Remnant he declares to have
 been only to remember him to the boy.

Purchasing
 the stolen
 tobacco.

Cross-
 examined
 by the
 prisoner.

Q. by the prisoner to this witness.—Had you any conversation
 with one Underwood respecting this bus's?

A.—You were the subject of some conversation when I worked
 at Underwood's: and the reward you offered in a public advertise-
 ment was the subject of it.

Q.—Did you deny to Underwood having any knowledge of the
 bus's of the tobacco or knowing anything about it?

A.—I do not recollect I did, and if he had I sho'd not have
 answered him.

Q.—Did you not always suspect Baylis to be a worthless
 character?

A.—No, I did not.

Q.—Did not Wright, lately executed, frequently lodge at your
 house?

A.—No, he did not; he has been at my house, but never laid in
 it in his life.

Q.—Has not your house been frequently searched on suspicion
 of having stolen goods therein?

A.—Never but once, and then no property was detected therein.

Evidence of
 James
 Lacey.

James Lacey, being duly sworn:—

Deposeth as follows—but first premises that his evidence was
 obtained under ye following circumstances, and fearing imputation

may attach to his testimony relates that he has been in the habits of intimacy with one McDonald, a prisoner for debt in the gaol at Sydney, whom he used to visit, and in the course of such access to the gaol, Wright (since executed) was committed, together with a man of the name of Noble, who was admitted evidence ag't said Wright; that Wright advised with the witness on his case; the witness, knowing that Noble had not been sworn in as an approver for the Crown, and well aware of the bad character of the deceased, advised Wright to turn evidence, and by impeachment save his own life; that he thereupon wrote a letter for him to Mr. Balmain, and previous to the said letter being sent the witness shewed the said letter to Henry Kable, the keeper of the gaol, and by desire of the deceased the witness ment'd to Kable that he could discover Mrs. Mullett's robbery and the receivers of the property stolen; that to this information Kable paid little or no attention, saying he knew sufficient about it, and wanted to hear no more of it. Kable then promised the witness that he wo'd deliver the said letter to Mr. Balmain immediately, and that this transaction was on the day preceding the trial of the said Wright in the afternoon thereof, but that the witness hath since been informed by Mr. Balmain that the said letter was not delivered to him until the next morning, about the time when Wright was just to be put on his trial at the Criminal Court (the said letter produced and deposed to by this witness, and is as follows, vizt.):—

1799

21 Feb.

The trial of Wright.

Sir,

Sensible of the enormity of my offences, and wishing to live to atone for them, if I am admitted as an approver I have ye means of discovering the robbery of Mr. Williamson and bringing the perpetrators to justice. I am well aware of the consequence of trifling in my evidence, and shall therefore be clear and explicit by bringing such articles as can be identified.

He offers to turn approver.

Ye repent't serv't,

SAM'L. WRIGHT.

That the witness has had frequent conversations with the said Wright, in the course of which Wright repeatedly told him that he had sold the prisoner a quantity of tobacco, which had been stolen from Mrs. Mullett; that in one of these conversations Wright exclaimed that he had lost his life for want of forty shill'gs (that this last-ment'd conversation was after Wright had rec'd sentence of death); that he had applied to the prisoner (Nicholls) for that sum to carry him to the Hawkesbury, as he feared suspicion, but Nicholls had refused him, and he thought it an hardship to be refused so small a sum, considering the dealings they had had together and the sums that Nicholls stood indebted to him in accounts current:—

Alleged dealings between Nichols and Wright.

Q. by the prisoner to this witness.—Was any other person present when this confession came from Wright respecting me?

Cross-examination by the prisoner.

1799
21 Feb. abandon'd in principle, that if this kind of hearsay evidence is admitted in our Courts for the trial of criminals, or are in any way encourag'd to come forward, there can be nothing so easy as to furnish any number upon any occasion. No virtuous or honest character can feel himself safe; a wicked or jealous neighbour may plan his destruction, and with ease obtain this kind of proof to endanger his life; and if ever party shall get footing in our Courts ruin to the colony and all its concerns must inevitably ensue. An innocent man, if he has any enemys—and few are wholly without—will be in continual danger. These circumstances demand in the Governor of this colony the most rigid and scrupulous examination of the minutes of every trial, and before he ventures to affix his assent to the verdict he ought to consider the whole evidence and circumstances. Well, he shou'd use every means to satisfy his own mind.

Honest men
in danger.

But here, my Lord, you will discover by the inclos'd letter of the Judge-Advocate to me, No. 3,* in answer to mine, No. 2,† that he has voted at a meeting of magistrates for carrying the sentence of a Court into execution without waiting for my approval. This man, my Lord, has us'd the authority of other magistrates without their knowledge to support his view of snatching out of my hands an essential part of the executive authority of the Governor. Your Grace I am convinced will pardon my expressing myself rather warmly upon such occasion, but I must declare, my Lord, that had an opportunity been within my power I shou'd have order'd him to return to England. It is evident he is influenc'd by a party to act as he has done, and such appearances will be ever dangerous to the peace and tranquillity of the settlement. The people see the prevalence of such party, and as many seditious characters are to be found amongst us, I conceive such appearance injurious to his Majesty's authority and government. If any grievances or oppressions were found to exist on my side, or were felt to proceed from me by any one person of any discription within this territory, they shou'd be made known in order to their being got the better of. Whatever may be the meaning or design of such confederacy, I shall only assure your Grace that I will be found what I ought to be—firm and ditermin'd.

An unauthorised act.

Dore charged with partisanship.

Hunter's attitude.

The character of Nichols.

Surely, my Lord, the written testimony offer'd by myself and others to the character of the prisoner Nichols we had reason to hope would have had some weight where so small a majority voted him guilty; but instead of its having been usefull to the man with that part of the Court, had he appear'd from respectable proofs to have been guilty to the full extent of the charge, his sentence cou'd scarcely have been more severe. It is, I confess, my Lord, evident to me that there was a point to be gain'd. I cou'd coment largely upon this trial, but it may be improper I shou'd. I have therefore

* Post, p. 610.

† Post, p. 609.

only to request that your Grace may receive some law opinions upon it after the different papers have been examin'd, and satisfy your own mind how far my ideas have been proper. I may then be instructed upon this subject when I have next the honour of dispatches from your Grace. 1799 21 Feb.

Your Grace will also receive the trial of another prisoner whose character has ever been bad in this colony.* It will appear that the Court, in deciding upon this prisoner's case, were divided in their judgement, there being (according to the J.-Advocate's account to me) two naval officers who found him not guilty. One officer of the same description found him guilty in part, but not to the extent of capital punishment. The three military officers found him guilty, death, and the Judge-Advocate gave his casting-vote for his death; so that by this last vote there is a majority for this man suffering death. But as the Patent expressly directs that execution shall not take place unless five out of the seven members concur in the verdict untill such time as his Majesty's pleasure shall be known, the sentence of this man will therefore continue suspended untill I shall receive his Majesty's commands upon it. A bad character. An illegal sentence.

Since I wrote the above another prisoner† has been convicted and cast for death by the same majority—the J.-Advocate's casting-vote. This man being under similar circumstances with the one above mention'd, his trial is also inclos'd.‡ He was an evidence in favour of the prisoner Nichols, and complains that his misfortune has arisen from that circumstance, but with what justice it is not possible to determine at present. I transmit his petition§ to me after condemnation, and a letter|| which he wrote to one of the members of the Court. In this letter, as well as in one¶ address'd by the prisoner Nichols to the members of a Court of Inquiry I had order'd to be conven'd, the minutes of which I send herewith, your Grace will observe the steps pursued by certain persons therein nam'd to draw confessions from this wretched young man under the pressure of his misfortunes and melancholy situation, and with a promise of obtaining his pardon for the purpose of farther criminating the prisoner Nichols, and confirming the justice of the sentence past upon him, because I have consider'd that sentence erroneous. These attempts, my Lord, in my judgement, serve only to occasion suspicions unfavourable to that decision. When officers can so far forget themselves as to enter a common goal for the purpose express'd in those letters, what can we suppose but that a party of men have confederated for the purpose of gaining some particular point; and that point has appear'd to me to be the A death-sentence. Petitioning for a reprieve. Attempt to extort a confession.

* The evidence in this case is lengthy, and not of sufficient interest to warrant its appearance in these pages.

† This prisoner was the convict Lancaster, whose evidence will be found on p. 601, post. He was pardoned and conditionally emancipated.

‡ The evidence in this case is voluminous, and has been omitted.

§ Post, p. 617.

|| Post, p. 620.

¶ Post, p. 618.

1799

21 Feb.

Statements
by officers
composing
Court.

possession of an authority which they shall never wrest out of my hands whilst I am capable of holding it.

I have judg'd it necessary, in consequence of the letters which I receiv'd from the three military officers who were members of the above Criminal Court, and which is inclos'd in my separate letter of 30th April,* herewith sent, to inform those naval officers who were also members of that Court that those gentlemen had propos'd to make observations upon the trial of the prisoner Nichols, and hop'd I wou'd transmit them to your Grace with my dispatches: the naval officers have in consequence requested that I will transmit their observations also; they are therefore enclos'd,† and I am of opinion they will serve altogether to shew that I am well warranted in suspending the immediate execution of the sentence pass'd on the above prisoner.

I have, &c.,
JNO. HUNTER.

[Enclosure No. 1.]

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At a Court of Criminal Judicature, held by virtue of a precept under the hand and seal of his Excellency John Hunter, Esqr., Captain-General and Governor-in-Chief in and over his Majesty's territory called New South Wales and its dependencies, on Tuesday, the 12th day of March, in the year of our Lord 1799.

Composition
of the
Court.

Present:—The Judge-Advocate, Captain Henry Waterhouse, Lieut't Willm. Kent, Lieut't Matthew Flinders, Lieut't Neil M'Kellar, Lieut't James Hunt Lucas, Ensign Nicholas Bayly.

ISAAC NICHOLLS was placed at the Bar as a receiver of stolen goods. The prisoner pleaded not guilty.

Evidence of
Richard
Baylis.

Richard Baylis (admitted an evidence on the part of the Crown):—

Deposeth that on the delivery of the baskett of tobacco (deposed to in the trial of Collins, Vanderstein, and Chandler)§ he was desired by Samuel Wright to take it to the house of Isaac Nicholls in Sydney; that he accordingly did so, and about the hour of 5 in the morn'g he wheeled the same down to Nicholls's house, and enquired for Mr. Nicholls of the servant, who called his master down and asked the witness where Samuel Wright was, at which time Wright came in; that Nicholls and Wright conversed together; that the witness heard Nicholls tell Wright if he

The charge
against
Nichols.

* Post, p. 658.

† See the statements of Waterhouse, Flinders, and Kent.—Post, pp. 622 to 635.

‡ The proceedings in this remarkable trial, though somewhat lengthy, are given in full, on account of the light they throw upon the relations existing between Hunter and the military officers.

§ These trials had preceded this.

would come in the evening he (Nicholls) wo'd pay Wright for the tobacco, meaning the said tobacco the witness had then delivered, and by the order of Isaac Nicholls the witness deposited the said tobacco in a right-hand room of said Nicholls's house; the witness was then told by Nicholls's man to leave the wheelbarrow and call for it again lest there sho'd be any suspicion about the tobacco; that a few hours after he went for the said wheelbarrow, and was told by Nicholls's woman that he had better take the tobacco away, as the alarm about Mrs. Mullett's robbery had spread, and the constables were in quest of the stolen tobacco and property; that the witness answered he would call for it in the evening; that he took away the empty barrow, and as he was returning therewith he met Isaac Nicholls near the gaol, who asked him where Sam Wright was, to which he replied he was coming down Sydney with one Jack Colley; that he took ye wheelbarrow home to Joe Taylor's, from whence he was taken into custody on suspicion of robbing Mrs. Mullett's house of the tobacco; that Samuel Wright was also apprehended afterwards; that the next morning (Sunday) he and Wright were discharged; that the witness then went home to Taylor's, where he usually resided, when Taylor expressed his surprize at seeing him out of custody without an hearing; that the witness replied he thought it was a planned thing between Kable and Nicholls to detect them in their pursuits after the said tobacco supposed to have been planted; that in the evening (being Monday) the witness, with Wright, went together to the house of Isaac Nicholls, where the servant informed them said Nicholls was not at home; that in the course of the same evening they called again at Nicholls's, when the servant informed them his master was at home, and accosted them thus, "Oh, you are come about the tobacco?" that said servant went up to said Nicholls and brought a message from him importing that the tobacco was placed between two rocks near the new house building for Mr. Moore, and if they chose to go for it they might; that they then quitted the house, and the witness refused to go for it, saying to Wright he would not be hanged about it; but Wright said he would go for it if he could get a boat, to which this witness answered he was sure there were constables set to watch it; that the witness returned home to Taylor's house and related what had passed, when Taylor observed to him that he thought it was as he mentioned from the circumstance of their being released in the morning; that Will'm Geary was present.

1799

21 Feb.

The alarm.

Baylis and Wright are arrested.

Baylis's account of the transaction.

Q. by the prisoner to this witness.—Did Wright leave my house at the time you speak of as to the delivery of the tobacco?

Cross-examined by Nichols.

A.—Yes; they both went away together.

Q.—After Wright and you were released out of custody, did you come to my house immediately?

A.—No; not till the evening.

1799
21 Feb.
—
Statements
by officers
composing
Court.

possession of an authority which they shall never wrest out of my hands whilst I am capable of holding it.

I have judg'd it necessary, in consequence of the letters which I receiv'd from the three military officers who were members of the above Criminal Court, and which is inclos'd in my separate letter of 30th April,* herewith sent, to inform those naval officers who were also members of that Court that those gentlemen had propos'd to make observations upon the trial of the prisoner Nichols, and hop'd I wou'd transmit them to your Grace with my dispatches: the naval officers have in consequence requested that I will transmit their observations also; they are therefore enclos'd,† and I am of opinion they will serve altogether to shew that I am well warrant'd in suspending the immediate execution of the sentence pass'd on the above prisoner.

I have, &c.,
JNO. HUNTER.

[Enclosure No. 1.]

TRIAL OF I. NICHOLLS.‡

At a Court of Criminal Judicature, held by virtue of a precept under the hand and seal of his Excellency John Hunter, Esqr., Captain-General and Governor-in-Chief in and over his Majesty's territory called New South Wales and its dependencies, on Tuesday, the 12th day of March, in the year of our Lord 1799.

Composition of the Court. Present:—The Judge-Advocate, Captain Henry Waterhouse, Lieut't Willm. Kent, Lieut't Matthew Flinders, Lieut't Neil M'Kellar, Lieut't James Hunt Lucas, Ensign Nicholas Bayly.

ISAAC NICHOLLS was placed at the Bar as a receiver of stolen goods. The prisoner pleaded not guilty.

Evidence of Richard Baylis. Richard Baylis (admitted an evidence on the part of the Crown):—

Deposeth that on the delivery of the baskett of tobacco (deposed to in the trial of Collins, Vanderstein, and Chandler)§ he was desired by Samuel Wright to take it to the house of Isaac Nicholls in Sydney; that he accordingly did so, and about the hour of 5 in the morn'g he wheeled the same down to Nicholls's house, and enquired for Mr. Nicholls of the servant, who called his master down and asked the witness where Samuel Wright was, at which time Wright came in; that Nicholls and Wright conversed together; that the witness heard Nicholls tell Wright if he

The charge against Nichols.

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§ These trials had preceded this.

would come in the evening he (Nicholls) wo'd pay Wright for the tobacco, meaning the said tobacco the witness had then delivered, and by the order of Isaac Nicholls the witness deposited the said tobacco in a right-hand room of said Nicholls's house; the witness was then told by Nicholls's man to leave the wheelbarrow and call for it again lest there sho'd be any suspicion about the tobacco; that a few hours after he went for the said wheelbarrow, and was told by Nicholls's woman that he had better take the tobacco away, as the alarm about Mrs. Mullett's robbery had spread, and the constables were in quest of the stolen tobacco and property; that the witness answered he would call for it in the evening; that he took away the empty barrow, and as he was returning therewith he met Isaac Nicholls near the gaol, who asked him where Sam Wright was, to which he replied he was coming down Sydney with one Jack Colley; that he took ye wheelbarrow home to Joe Taylor's, from whence he was taken into custody on suspicion of robbing Mrs. Mullett's house of the tobacco; that Samuel Wright was also apprehended afterwards; that the next morning (Sunday) he and Wright were discharged; that the witness then went home to Taylor's, where he usually resided, when Taylor expressed his surprize at seeing him out of custody without an hearing; that the witness replied he thought it was a planned thing between Kable and Nicholls to detect them in their pursuits after the said tobacco supposed to have been planted; that in the evening (being Monday) the witness, with Wright, went together to the house of Isaac Nicholls, where the servant informed them said Nicholls was not at home; that in the course of the same evening they called again at Nicholls's, when the servant informed them his master was at home, and accosted them thus, "Oh, you are come about the tobacco?" that said servant went up to said Nicholls and brought a message from him importing that the tobacco was placed between two rocks near the new house building for Mr. Moore, and if they chose to go for it they might; that they then quitted the house, and the witness refused to go for it, saying to Wright he would not be hanged about it; but Wright said he would go for it if he could get a boat, to which this witness answered he was sure there were constables set to watch it; that the witness returned home to Taylor's house and related what had passed, when Taylor observed to him that he thought it was as he mentioned from the circumstance of their being released in the morning; that Will'm Geary was present.

1799

21 Feb.

The alarm.

Baylis and Wright are arrested.

Baylis's account of the transaction.

Q. by the prisoner to this witness.—Did Wright leave my house at the time you speak of as to the delivery of the tobacco?

Cross-examined by Nichols.

A.—Yes; they both went away together.

Q.—After Wright and you were released out of custody, did you come to my house immediately?

A.—No; not till the evening.

1799
21 Feb. mouth of the bag being open that the contents were tobacco. And prisoner further told the witness that if he would look well round about Mr. Balmain's or the magazine he might find it, being so light in the morning that it was not possible for them to convey it far without discovery. The witness then asked the prisoner if he wo'd accompany him in search thereof, as he (the witness), being a constable, had the morning before found three baskets of the like description ; that they went in quest thereof, but their search was fruitless ; that the witness then left the prisoner at home, and in the course of the same day apprehended, of his own accord, Wright (since executed) and Baylis, on suspicion of being concerned in Mullett's robbery, and detained them until the next day, when ye witness, by order of Mr. Balmain, a magistrate, released them ; that whilst said Wright and Baylis were in confinement the witness discovered the tobacco, but did not remove it in order that from the *planting* of a constable over ye same some discovery might be made by someone coming for it, but that no one owning it, the witness, after two or three days, had it conveyed to Mrs. Mullett, to whom it was restored, from her ascertaining the property to have been stolen from her warehouse, and having deposed on oath thereto.

Apprehen-
sion of
Wright and
Baylis.

Evidence of
Charles
Garratt.

Charles Garratt, of the *Reliance*, seaman, being duly sworn :—

Deposeth that one evening at the garden-house of Captain Waterhouse (about six weeks since) he was accosted by James Mansfield (one of the foregoing evidences), and informed that someone had gone up the hill with something on his back, and asked the witness to go in pursuit of him, who answered it did not concern him, and he would not go ; that Mansfield then went away, and witness retired to rest.

Evidence of
Peter Payne.

Peter Payne, being duly sworn :—

Deposeth that on the evening deposed unto by Mansfield he was one of the boat's crew with said Mansfield, waiting on shore at Mr. Balmain's steps, when said Mansfield told the witness he had seen a man carrying something on his shoulder, which he supposed was tobacco, and asked the witness to go in pursuit of him, but they could not find him.

At half-past 2 o'clock the Court adjourned until to-morrow morning at 10.

Wednesday, March 13th, 1799, at 10, the Court met pursuant to adjournment.

Evidence of
James
Remnant.

James Remnant, being duly sworn :—

Deposeth that about the 22nd or 23rd of February last he called at the house of Joseph Taylor to inquire after a sick person ; that

he entered into a conversation with said Taylor, and the name of Baylis was ment'd by Taylor, who observed that said Baylis was a principal evidence against Nicholls, but that he thought Baylis would not say anything if he was brought forward, for that he (Taylor) well knew the disposition of the boy (meaning Baylis), and that he was so fixed in his mind that he would not be bro't over to say anything; that Baylis had lodged with him for some time, and he knew his disposition better than anyone. That the witness observed he was going up to Parramatta if the wind was fair; and Taylor then enquired if he should be at Toongabbee? That the witness replied, "I daresay I shall, having business near there." That Taylor then said, "You know the boy, Baylis?" That the witness answered, "Yes; he had seen him at Toongabbee, and also at his house." That the witness said he should go to the house of Jones the baker; that Taylor desired the witness would enquire of Jones where Baylis was—observing he believed he was at work at Stapleton's farm, but that Jones wo'd send for him; that the witness promised Taylor he wo'd see the boy. Taylor then requested of this witness to inform him that everything remained exactly as it did when he saw or heard from him last; that no doubt he would be examined upon the business, but that it rested entirely with him (meaning Baylis), or words to that effect. That the witness went to Toongabbee the following morn'g after being with Jones, and not finding Baylis there, asked Jones if he knew a lad of the name of Baylis, who replied yes, that he had been there the evening before; that the witness then told Jones he had a message from Jos. Taylor, and wished him to be sent for; that after some enquiries the witness saw Baylis and delivered him the message accordingly, viz., that no doubt he wo'd be bro't up, and that some little promises might be made to him; that Capt. Wilkinson would exert himself in the discovery of the business; but whether he chose to satisfy Capt. Wilkinson by giving him any information, he might act in that respect as he (Baylis) thought proper; that Baylis thanked the witness, and told him he sho'd be down at Sydney the Friday following, which he desired the witness to inform Taylor; that on the witness's return he informed said Taylor thereof respecting the prisoner. The witness would not take upon him to relate any particular conversation passing.

1799

21 Feb.

His conversation with Taylor.

Message to Baylis.

Baylis's reply.

Joseph Taylor, being duly sworn :—

Joseph Taylor's evidence.

Deposeth that about three weeks since he met the prisoner opposite the house of Major Foveaux, in Sydney, who asked the witness when he had heard from the young one (meaning Richard Baylis)? Who answered, "The last week." That the prisoner then asked the witness if he thought the boy (meaning Baylis) was staunch? That the witness answered he thought he was. That the prisoner then replied if he (meaning Baylis) was staunch in this he should

His conversation with Nichols.

1799

21 Feb.

Purchasing
the stolen
tobacco.

Cross-
examined
by the
prisoner.

never want for anything whilst he was on the island—adding, if he is staunch in this nothing could hurt him (the prisoner) in this affair—meaning the affair of the tobacco taken by Baylis to the house of the prisoner; that some time after the prisoner came up to the witness in the town of Sydney, and told him, the young one (meaning Baylis) was sent for by the magistrates, but that if the boy was staunch nothing could hurt him (the prisoner); that Baylis, who lived in the same house with the witness, had frequently conversed with him, and had told the witness that he had wheeled one basket of tobacco delivered to him by Wright, for the purpose of conveying to Isaac Nicholls's house, and that he (said Baylis) had so done by taking the same in a wheelbarrow; and that the prisoner had told him (said Baylis) to come again for the money, and that when he went for said payment he was told that the said tobacco was stowed between two rocks, and he might fetch it if he w'd; and that he told ye witness Wright accompanied him to the house of the prisoner on that occasion; that the witness advised him to have nothing to do in the business, and desired him to leave his house; that he went to Toongabbee. Remembers James Remnant having some conversation with him, but will not say that he sent any message to Baylis, as stated in that witness's testimony, or that he had any conversation respecting Mrs. Mullett's robbery. The message he sent to Baylis by Remnant he declares to have been only to remember him to the boy.

Q. by the prisoner to this witness.—Had you any conversation with one Underwood respecting this bus's?

A.—You were the subject of some conversation when I worked at Underwood's; and the reward you offered in a public advertisement was the subject of it.

Q.—Did you deny to Underwood having any knowledge of the bus's of the tobacco or knowing anything about it?

A.—I do not recollect I did, and if he had I sho'd not have answered him.

Q.—Did you not always suspect Baylis to be a worthless character?

A.—No, I did not.

Q.—Did not Wright, lately executed, frequently lodge at your house?

A.—No, he did not; he has been at my house, but never laid in it in his life.

Q.—Has not your house been frequently searched on suspicion of having stolen goods therein?

A.—Never but once, and then no property was detected therein.

Evidence of
James
Lacey.

James Lacey, being duly sworn:—

Deposeth as follows—but first premises that his evidence was obtained under ye following circumstances, and fearing imputation

It is impossible I shou'd not feel astonishment at your appearing not to know that the two junior members of this last Civil Court are the gentlemen whose opinions you appear'd by your treatment of them to hold in contempt, and to have set at defiance, by issuing writs from your own authority, after they had publicly and in your own presence declared them illegal. 1799
21 Feb.
The junior members of the Court.

It was always my wish to leave the dutys of the Judge-Advocate to the sole management of whatever officer might have been appointed by his Majesty to fill that office, so long as he acted consistent with that instruction by which he shou'd be govern'd; but it is a part of the Governor's duty, whenever he shall see just cause, to interfere and to forbid every improper innovation upon those instructions. The Judge-Advocate and the Governor.

You are, sir, incorrect in your observation that I never expres'd any doubt of the legality of your proceedings untill after I had conven'd the officers of the colony, because on the 20th of Decr, when you left the Court in the extraordinary manner you then did, you soon after call'd upon me; I on that occasion gave you my sentiments on your having arrogated to yourself a power of acting independent of the other members of the Court, and which in my judgement was illegal. An interview.

I have no will of my own to gratify or indulge contrary to the general good, nor am I dispos'd to medle in concerns of so much importance as those for which the law has so amply provided; my desire is, that the instructions we have been supplied with, and which appear to me to be plain, clear, and intelligible, may be our constant guide. There does not seem any room for misconstruction by the trading part of the colony. I can only imagine you may allude to the private petty dealers, who are in my opinion a public pest, a class of people ruinous to that description of men who ought to be the chief support of the colony—the laboring farmer. Hunter's wishes and policy.

Our ideas seeming to differ so very widely in points of some consequence is sufficient cause for my desiring that you shou'd consider the confidential situation into which at *your own solicitation** I had chosen you as now at an end. Dore his secretary no longer.

I am, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord Duke,

21st February, 1799.†

The increasing perplexitys which have of late attended some of our law proceedings, and the present appearance of party Legal complications.

* In Hunter to Portland, 25th May, 1798, ante, p. 390, Hunter stated that he had appointed Dore upon the recommendation of the Duke of Portland.

† For some reason, now unknown, Hunter antedated this letter. The trial of Nichols occurred in the middle of March, and there is evidence to show that Hunter despatched this letter in or about the month of June, 1799.

- 1799 taking place in our Courts, are considerations of such weighty
 21 Feb. importance that I shou'd consider myself highly diffident in my
 attention to his Majesty's service were I not to make your Grace
 acquainted with the necessity of an immediate remedy or some
 instructions on the subject. My separate letter* of this date will
 in some degree shew from whence some part of those difficultys
 may reasonably be suppos'd to arise or be encourag'd. But that
 your Grace may have the most clear and distinct evidence of the
 prevalence of party here, operating in various ways to the injury
 of the public service and general interest of the colony, I transmit
 some circumstances relative to the proceedings of a Court of
 Criminal Judicature lately held here for the trial of several
 offenders.
- The influence of faction.
- I shall only remark here, my Lord, that no difficultys of the
 nature alluded to were ever known in this colony formerly. I had
 vainly hop'd and believ'd that the Judge-Advocate, lately arriv'd,
 wou'd have proved a public advantage to all our judicial concerns,
 and, thro' that means, a vast relief to my mind, and that he would
 have convinc'd the whole colony that he wou'd exercise the duties
 of his office in the most independent manner, unconnect'd with
 party of any kind. To shew how far I am warrant'd in saying
 that a party exists in this colony for the most indefensible of all
 purposes, comenting upon all the public measures which are found
 calculated to interfere in any degree with the private objects and
 views of the dealers, whose ruinous traffic I have said so much
 upon, and putting the most inaplicable and malicious constructions
 upon them, and forecasting, wherever it may be possible, stumbling-
 blocks in my way and in that of such officers as may have spirit
 and independence enough to co-operate with me upon public
 service, I transmit at length the trial of a man whose prosecution
 I must declare to your Grace has appear'd to me to have been
 carried on thro' a chain of such evidence as wou'd not have been
 admitted in any Court of law in England, Scotland, or Ireland; the
 minutes of the Court will, without any remarks of mine, satisfy
 your Grace upon the subject. But it may be necessary, in order
 to make it clear to your Grace that I have no motive but the
 general good, and that my representation upon this occasion pro-
 ceeds from a most ardent desire of seeing rigid justice administer'd
 to all his Majesty's subjects who reside here under my authority,
 and to prevent, as far as it may be in my power, everything which
 has the smallest appearance of oppression, I judge it proper to point
 out who this man whose sentence I have not confirm'd is—Isaac
 Nichols. He was chief overseer of the different gangs employ'd
 in labour of various kinds about the town of Sydney and its vicinity.
 His general conduct and character, after an experience of two
 years and a half in that station, stood high in my estimation, as
 well as in that of Captain Johnston, my aide-de-camp, from whom
- Judge-Advocate Dore.
- Party quarrels.
- The trial of Isaac Nichols.
- His employment and character.

* Ante, p. 547.

he in general receiv'd my orders, altho' frequently from myself in person. He was of more advantage to the prompt execution of the different works upon which he was employ'd than any man of his line in the service of Government within this settlement. He officiated in all the dutys of a superintendant, altho' only an overseer, with the utmost assiduity and most conspicuous diligence, and sav'd much trouble to me by his unwearied attention. Being A farmer a free man, altho' formerly a convict, his sentence having been expir'd some years, and being a most exemplary character, he had a small farm, upon which, having no sallery, I allow'd him, as a compensation for the weighty dutys he perform'd, two men. By means of his sobriety and industry he had sav'd as much money as enabled him to build himself a comfortable house for the accomodation of not only himself and his family, but he let it occasionally to strangers ; and, in short, this man, by his diligence and sobriety, was prospering. To remove from the service of Government a man so truly usefull will ever be an object with those whose private concerns are in any way effected by a close attention to those of the public ; he therefore became an object to be notic'd, because he stood in the way of others. 1799
21 Feb.
and a prosperous man.

It is from my examination of the minutes of the trial, the nature of the evidence, and the characters who appear'd against him, that I feel myself justified in pronouncing the verdict erroneous, as far An erroneous verdict. as my judgement will serve to direct me. Your Grace will see from the trial itself, which is herewith inclos'd, the charges exhibited against this man, and with respect to the convict evidence in support of that charge I shall only say that they are amongst the most abandon'd characters in this settlement. Your Grace will also have The evidence the votes or opinions of the members who compos'd the Court, as well as the written and verbal testimony offered to the character of the prisoner and produc'd in Court from respectable authoritys.* From all these proofs and testimonials your Grace will observe some ground for fearing a prejudice in the case of this man, for as far as the hearsay evidence which has been allow'd against him has been hearsay. consider'd by me, there does not appear anything like proof to convict him ; nor can I admit that hearsay evidence shou'd have been suffer'd on so serious an occasion as that where a man's life may be in danger ; yet it was admitted by the Judge-Advocate, whose duty it was to inform the Court in what instances such evidence cou'd be allow'd, and the more particularly thro' such characters. In short, my Lord, it will be a happy circumstance for this colony when its Court can be form'd more upon the plan of the mother country, with an upright and independent Judge at its head ; for here, my Lord, the people are so extremly bad, so very Unsatisfactory constitution of Court.

* *Note by Governor Hunter* :—Those votes I shou'd not have desir'd but for the sole purpose of making the whole of this trial clear and distinct to your Grace, and to shew that I have sufficient reason for disapproving the sentence.

1780 *advised in principle that if this kind of hearsay evidence is*
 21 Feb. *admitted in our Courts for the trial of criminals, or are in any way*
encourag'd to come forward there can be nothing so easy as to
furnish any number upon any occasion. No virtuous or honest
character can feel himself safe: a wicked or jealous neighbour may
plan his destruction, and with ease obtain this kind of proof to
endanger his life: and if ever party shall get footing in our Courts
ruin to the colony and all its concerns must inevitably ensue. An
innocent man, if he has any enemies—and few are wholly without
—will be in continual danger. These circumstances demand in
the Governor of this colony the most rigid and scrupulous examina-
tion of the minutes of every trial, and before he ventures to affix
his assent to the verdict he ought to consider the whole evidence
and circumstances. Well, he shou'd use every means to satisfy
his own mind.

Honest men
in danger.

But here, my Lord, you will discover by the inclos'd letter of the
 Judge-Advocate to me, No. 3,* in answer to mine, No. 2,† that he
 has voted at a meeting of magistrates for carrying the sentence of a
 Court into execution without waiting for my approval. This man,
 my Lord, has us'd the authority of other magistrates without their
 knowledge to support his view of snatching out of my hands an
 essential part of the executive authority of the Governor. Your
 Grace I am convinced will pardon my expressing myself rather
 warmly upon such occasion, but I must declare, my Lord, that had
 an opportunity been within my power I shou'd have order'd him
 to return to England. It is evident he is influenc'd by a party
 to act as he has done, and such appearances will be ever dangerous
 to the peace and tranquillity of the settlement. The people see
 the prevalence of such party, and as many seditious characters are
 to be found amongst us, I conceive such appearance injurious to
 his Majesty's authority and government. If any grievances or
 oppressions were found to exist on my side, or were felt to proceed
 from me by any one person of any description within this territory,
 they shou'd be made known in order to their being got the better
 of. Whatever may be the meaning or design of such confederacy,
 I shall only assure your Grace that I will be found what I ought
 to be—firm and determin'd.

An unauthori-
sated act.

Those
charged
with parti-
sanishp.

Hunter's
attitude.

The
character of
Nichols

Surely, my Lord, the written testimony offer'd by myself and
 others to the character of the prisoner Nichols we had reason to
 hope would have had some weight where so small a majority voted
 him guilty; but instead of its having been usefull to the man with
 that part of the Court, had he appear'd from respectable proofs to
 have been guilty to the full extent of the charge, his sentence cou'd
 scarcely have been more severe. It is, I confess, my Lord, evident
 to me that there was a point to be gain'd. I cou'd coment largely
 upon this trial, but it may be improper I shou'd. I have therefore

* Post, p. 610.

† Post, p. 609.

only to request that your Grace may receive some law opinions upon it after the different papers have been examin'd, and satisfy your own mind how far my ideas have been proper. I may then be instructed upon this subject when I have next the honour of dispatches from your Grace. 1799 21 Feb.

Your Grace will also receive the trial of another prisoner whose character has ever been bad in this colony.* It will appear that the Court, in deciding upon this prisoner's case, were divided in their judgement, there being (according to the J.-Advocate's account to me) two naval officers who found him not guilty. One officer of the same description found him guilty in part, but not to the extent of capital punishment. The three military officers found him guilty, death, and the Judge-Advocate gave his casting-vote for his death; so that by this last vote there is a majority for this man suffering death. But as the Patent expressly directs that execution shall not take place unless five out of the seven members concur in the verdict untill such time as his Majesty's pleasure shall be known, the sentence of this man will therefore continue suspended untill I shall receive his Majesty's commands upon it. A bad character. An illegal sentence.

Since I wrote the above another prisoner† has been convicted and cast for death by the same majority—the J.-Advocate's casting-vote. This man being under similar circumstances with the one above mention'd, his trial is also inclos'd.‡ He was an evidence in favour of the prisoner Nichols, and complains that his misfortune has arisen from that circumstance, but with what justice it is not possible to determine at present. I transmit his petition§ to me after condemnation, and a letter|| which he wrote to one of the members of the Court. In this letter, as well as in one¶ address'd by the prisoner Nichols to the members of a Court of Inquiry I had order'd to be conven'd, the minutes of which I send herewith, your Grace will observe the steps pursued by certain persons therein nam'd to draw confessions from this wretched young man under the pressure of his misfortunes and melancholy situation, and with a promise of obtaining his pardon for the purpose of farther criminating the prisoner Nichols, and confirming the justice of the sentence past upon him, because I have consider'd that sentence erroneous. These attempts, my Lord, in my judgement, serve only to occasion suspicions unfavourable to that decision. When officers can so far forget themselves as to enter a common goal for the purpose express'd in those letters, what can we suppose but that a party of men have confederated for the purpose of gaining some particular point; and that point has appear'd to me to be the Attempt to extort a confession. Petitioning for a reprieve.

* The evidence in this case is lengthy, and not of sufficient interest to warrant its appearance in these pages.

† This prisoner was the convict Lancaster, whose evidence will be found on p. 601, post. He was pardoned and conditionally emancipated.

‡ The evidence in this case is voluminous, and has been omitted.

§ Post, p. 617.

|| Post, p. 620.

¶ Post, p. 616.

1799 himself obliged to Nicholls for the information, and in conversation
21 Feb. with said Kable he informed the witness that he, as gaoler, reported Sam. Wright as an hardened man, and that he could extort no confession from him.

Prisoner has no question to propose to this witness.

Here the evidence for the prosecution closed.

The defence.

Prisoner's defence (in writing) :—

Nature of the evidence. The warrant of commitment charges me with having rec'd stolen goods knowing the same to be stolen. On the back of this commitment I am charged with being an accessory before and after fact. As to three of the indictments I consider them a mere matter of form, and as to the fourth I am so conscious of my innocence that I conceived it unnecessary to object to its relevancy—the pitiful set of evidence adduced in support of this prosecution has no doubt impressed the minds of this truly respectable Court in what disgusting manner the prosecution has originated.

Evidence of Baylis. The wretched character, Baylis, so glaringly prevaricated in his evidence that did I not forbear giving trouble to the Court I would have insisted for his being committed and tried on that head, but he is so notorious, and such a wretched character, that I suppose this honorable Court will consider his evidence as false framed and maliciously invented, and that no attention whatever will be paid to it. You, gentlemen of the jury, call to mind the position in which he stood, how totally unprepared he stood to my questions, and how evident it must appear to you from his declaration that he is at heart a villain; positively his looks sufficiently prove him to be what he is—a most consummate and a most wretched being. Prevarication and perjury. Advert to his evidence; look at his palpable prevarication, and say, as God directs your consciences, whether or not his testimony is worthy of any the least credit, and will you take upon yourselves to say that he has not in several instances been guilty of perjury. He appears to be of that description, and indeed his conduct proves him to be a being who for the lucre of one shilling would sacrifice his soul was it at his command. It is not long ago since he was tried for robbing Miller, the baker, and was he to disclose to you the robberies he has committed it would readily convince you what he is; but I conclude him too trifling for notice.

A notorious character. James Lacey.—If any difference appears twixt this and the wretch above mentioned, it is thus—Lacey has sense enough to be too great a rogue without a tutor, and Baylis is not; he is only guided by others. Lacey is too notorious a character to escape public notice; he was sent to Norfolk during the time of Govr. Phillip, and from some of his illicit practices there the Governor of that island caused him to be extended in the form of a spread eagle against some post or railing, with an iron collar round his

neck, and an inscription or label affixed to his back, enjoining the public not to converse with or have any communication with him; and he admits his standing under the pillory here, but denies that there was any authority for being there. The Provost-Marshall can prove the authority he had to cause him stand. This witness mentioned my having an account current with Wright. How false! But it is the hearsay evidence of Lacey which can have no effect; there is not a word from any other witness to confirm it, with him being a most dangerous character, and that under pain of corporal punishment. He has since stood under the pillory at Sydney whilst three men, namely, Luke Norminton, Wm. Osborne, and John Colly, stood in the pillory, exposed to public view, for giving false evidence on the trial of Morrison, to which they say were bribed by Lacey. He received from Morris two bills to pay these unfortunate men, but he did not find it convenient to part with it, and how far his or their evidence is admissible let this honorable Court determine. It is a fact not to be denied that he is a person wholly addicted to gambling; that he thereby gains a livelihood with the few pitiful pence he receives from the gaol prisoners for stating their grievances.

1799
21 Feb.
—
His career.

Under the
pillory.

Richard Broomfield.—This is a person who was under my direction in Govt. employ, and who I detected in stealing corn from Govt. stock-yards, and upon his being so detected he struck me repeatedly, and had it not been for the interference of Mr. Laycock and Serjt.-major Jamison, he would have deprived me of my life; he has since declared "that had it not been for them he would have taken care that Nicholls never should detect another stealing corn; that revenge was sweet, and if he had it not then, he would in a few days." And since my confinement Lacey is constantly attending him in gaol, polishing his memory.

A detected
thief.

"Polishing
his
memory."

William Johnston.—This exemplary character, the hangman, I need not say much about him. I flatter myself it is the first instance ever known of the common executioner being admitted evidence. He humbly apprehends it is inconsistent with the laws of England; but let this honorable jury give their determination. No doubt this hero will exult in the idea of my falling into his hands. Some weeks ago Kable and myself detected two men carrying corn from the house of Johnston to the house of Mrs. Mullett, which they told us they were to exchange for liquor. The quantity of corn they then had might have been about six or seven bushels, which, together with Johnston and the two other men, were taken to the Judge-Advocate's office, who ordered the corn to be returned to Governm't stock and one of the men to be punished. And I have no reason to doubt but Johnston would have been also punished could any other person be found to exercise his office.

The
hangman.

Stealing
corn.

1799

21 Feb.

A bad
character.A question
of
probability.A malicious
prosecution.Hunter's
belief in the
prisoner's
rectitudeendorsed by
his A.D.C.Non cicium
ardor.

Joseph Taylor, a painter and glazier.—This is a character always suspected of the most atrocious crimes, and the constables have frequent occasion to search his house for stolen property. His house is of the worst fame. Sam'l Wright, who lately died, as also this Baylis, frequently lodged at his house. So a tree is to be known by its fruit. Taylor is a man for life, and no doubt will go any length to procure friends to extricate himself from that dilemma. Is it consistent with reason that I would entrust this man with any secrets? that I would disclose my mind to him in the street, a man with whom I had no intimacy? No! But he is come forward with the glaring evidence you have heard to exculpate himself and his associate (Baylis); but no doubt the arm of justice will soon overtake them.

Gentlemen of the jury, I will comment but little on the evidence which has been adduced for the prosecution. I cannot hesitate to assert that a prosecution so pregnant with malice, cruelty, and oppression never was set on foot. The most minute investigation has taken place, yet I flatter myself all the shafts of envy, all the darts of malice, cannot stain my reputation, which has remained for years totally untarnished.

I have called on his Excellency Gov'r Hunter, whose testimony is to me the most pleasing. To you it must be conclusive and satisfactory. It must appear to you as a bright star shining and accompanying truth and honor. Can you for a moment hesitate to pronounce me an innocent victim to the cruelty and oppression of party rage? But let domineering cease. His Excellency Gov'r Hunter still lives to crush oppression and its venomous roots. He is the fountain of mercy and spring of justice. I am his servant; yet he has condescended to send me a written character to this Court of my conduct as overseer.

To confirm it, I afterwards adduced to you the character sent by George Johnston, Esq., his Excellency's aid-de-camp, and others under them. Yet, of what am I accused, and where is my prosecutor? Some tobacco has been stolen from a Mrs. Mullett. She found the greatest part of it, if not all, and how many have been accused of the theft? Numbers. Yet there was no circumstance that appeared favorable for the prosecution against them. And I, who never saw the property, must be thrust into gaol, and brought to a Criminal Court. And why? Because I was industrious, I was persevering, and I was fortunate; yet, to be prosperous seems not to be fortunate. It has brought upon me unknown and undiscovered enemies; it has robbed me of my peace of mind; it has brought on my family sorrow and distress—but my consolation is great. My conscience cannot reproach me with having acted wrong. I dread not the scorn and the derision of the public. The venomous tongue of slander cannot rob me of that consolation with

which innocence shields me. I appeal to you, gentlemen of the jury, to represent my character, and to weigh it within yourselves. My appeal is public; let not its reply be private.

1799

21 Feb.

But observe, gentlemen, how craftily I am debarred of the evidence of Valentine Wood. He was my servant, and for that reason must be included in the prosecution.

You will have observed in the course of this trial that all the evidence ag't me are not only persons of the worst character in colony, but people who have supposed themselves injured by me—to whom they say, revenge is sweet—and there is no doubt they wo'd not let an opportunity pass to do me an injury. The situation that I held under Government placed me above doing any mean action or becoming a receiver, to risque my character, and, perhaps, my life, on such an occasion, cannot admit of a thought. As for Broomfield and Lacey's hearsay evidence it is hardly worth troubling the Court about, unless it is to impress upon the minds of the jury that they come forward maliciously, and with an intent to convict me of a crime I never committed.

Credibility of witnesses.

Hearsay evidence.

Let us next attend to the evidence of Mrs. Mullett. She swears most positively that all the Brazil tobacco is hers; but, if two or more rolls were added to her number, is it possible that she could swear to which was hers. Could she distinguish her own from the others? No, it is impossible. The evidence of Wood would have been quite sufficient to overthrow all, had he not been included in the prosecution as an accomplice. I trust his character is what he has always been since in my service. His honesty is great, and if it was necessary he might have a number to establish his character, and men of respectability.

The question of ownership.

Consider, gentlemen of the jury, how this prosecution commenced. A warrant was granted against my wife, who lay on a sick-bed, and would have been actually committed, and my property exposed to the rapacity of every villain in the colony, had not the surgeon upon oath declared her unable to move out of bed.

Warrant against Mrs. Nichols.

Gentlemen, when you consider that it was but the other day that Lacey was guilty of subornation of perjury, it can be but of little consequence what he says. Sometime ago I had Capt'n Johnston's orders to send this man to work. I often called upon him for that purpose, but never could get him to attend. At last I threatened to put him in the iron hutt if he did not attend. For that he causes him to come forward. And a man who is guilty of hiring others to perjure themselves will not be nice in doing it himself.

Value of Lacey's evidence.

Baylis says he wheeled a basket of tobacco to my house, that I received it from him, and ordered it in a back room. Remember, gentlemen, the character of this man; he was tried the other day for housebreaking; he confesses himself a notorious thief by being concerned with Wright in this business. When he was first taken up he denied knowing anything, but when threatened with heavy

Value of Baylis's evidence.

1789

21 Feb.

Lancashire's
evidence.

irons, and to be stapled down to the floor, he thought to invent this story wo'd save him ; and it is evident he would not be scrupulous of perjury ; it is evident he has already done so. You, honorable gentlemen of this Court, will give his testimony what credit you think it deserves, and that in my opinion is none ; but Lancashire proves* that at 7 o'clock in the morning he was at my house marking some bags, and heard my man call me and tell me " that about 5 o'clock that morning two men called and desired to leave a bag for the passage boat ; that he told them to carry it to the next door, Mr. Miller's, who kept a warehouse for such purposes ; that he had since heard Mrs. Mullett was robbed of some tobacco, and it struck him the bag these men wanted to leave contained some of it." On my asking him the appearance of the men, and where they went, he told me that one of them with a blue jacket took the bag upon his shoulder and went towards Mr. Balmain's. Lancashire also proves that I sent him for Kable, to acquaint him of this circumstance. Kable proves that he was sent for by Nicholls about 7 or 8 o'clock in the morning, and told him the whole business.

Nicholls
proclaims his
innocence.

Gentlemen, it is not my wish to give you trouble. My conscience tells me that I am accused most unjustly, most wantonly, and most cruelly. You are judges of the law and the fact ; and where is the evidence to bring home guilt to me ? No, gentlemen, I can appeal to the all-seeing God to testify my innocence, and the rectitude of my conduct *commands* me to say that I am brought to this Bar charged with a crime I never committed.

I am arraigned at this Bar charged with four several indictments, and what are they ? You have seen them ; you have read them. I did not conceive it necessary to enter into any defence as to three of those indictments ; and as to the fourth, the proof adduced on my part cannot but be satisfactory, and end in my acquittal.

Antiqua
from a
acquittal

Gentlemen, I hope this day will crown my wishes. I have anxiously looked forward for it, for an investigation of my conduct since I have been in the colony. Who has come forward to charge me with any other crime—nay, with another fault ? None. My innocence seemed to brighten as the different witnesses gave their testimony against me. You, gentlemen of the jury, have too much penetration not to discover the origin of this malicious prosecution. To your determination the whole is left. And, gentlemen, let me assure you that this determination, whether in my acquittal or condemnation, cannot dismay me. God, before whom all must appear, knows my most secret thoughts. He knows I am innocent, and was I led from the Bar to the scaffold I would go with the same serenity of mind. To you, gentlemen of the jury, under the direction of God, whose oath is binding on your

* See Lancashire's evidence, post, p. 601.

consciences, I commit myself. Your verdict, I doubt not, will acquit me to the satisfaction of the world. 1799

The prisoner requested that the basket of tobacco might be identified. 21 Feb. Identifying the stolen property.

Mary Mullett, the prosecutrix, being called by the prisoner, and duly sworn, was asked the following :—

Q.—Can you distinguish one roll of tobacco ?

A.—No farther than informed by the constables and others who recovered the stolen tobacco generally.

(Six basketts produced.)

Q.—Was there no other Brazil tobacco but yours ?

A.—I have sworn to the several basketts now produced.

John William Lancashire* sworn :—

Lancashire's evidence.

Q.—Do you recollect being in my house the morning it was reported Mrs. Mullett had been robbed ?

A.—I do.

Q.—Do you recollect any particular information I rec'd that morn'g ?

A.—I went to Nicholls's house on the *Sunday* morn'g, when his servant came up about 6 or 7 o'clock and told prisoner that there were two men who came to the house early that morning, one of them in a blue jacket, and wanted to leave a bag with something in it. The servant (Wood) made answer that nothing must be left there, but if they wo'd take it to Miller's, which was a warehouse, he durst say they might leave it, and that the man in the blue jacket took the bag and went out of the gate toward the hospital, and the other man went out at the other gate, and that he (the serv't) had just heard that Mrs. Mullett had been robbed of some tobacco that night, and owing to the confusion the two men were in he (the serv't) had every reason to believe that that was some of the property, immediately on which said relation the prisoner desired the witness to go for Kable, who went with said message accordingly. The next day he heard that Kable had found some of the tobacco. The tobacco brought to Nichols's house.

Q.—At that time had you done marking the bags you were employed about for me at the time you went up for Kable ?

A.—I had finished the whole of the bags, and had no more business at prisoner's house that day.

* Lancashire was charged with committing forgery, found guilty and sentenced to death.—(See his petition, post, p. 617.) Hunter, however, reprieved him pending the pleasure of the King; and on the 13th June, 1802, Governor King granted him a conditional emancipation. In the *Sydney Gazette* of 23rd March, 1806, an advertisement appears inviting intending purchasers of land at the Brickfields to communicate with "J. W. Lancashire."

1799

Hugh McDonald duly sworn :—

21 Feb.
—
Testimony
of a fellow-
prisoner.

Q.—Was Wright, the deceased, confined in ye same room with you in the gaol ?

A.—Yes ; after the gaol was burnt down, and he had liberty to be in his own room after he was under sentence of death.

Q.—Did you ever know Broomfield in the habit of reading to him ?

A.—Never.

Intercourse
between
Broomfield
and Wright.

Q.—Was it possible Broomfield could have read to Wright without your knowledge ?

A.—No, he could not, unless on the morning of his execution, when I was absent some time from my room.

Q.—Have you ever observed Broomfield and Lacey in conversation together during the prisoner's confinement ?

A.—Yes, and before his commitment.

Q.—Do you recollect Wright's ordering the room to be cleared on the morning of the execution, to speak privately to his brother ?

A.—I do ; early in the morning, and the room was cleared accordingly.

Q.—Was Wright and Broomfield in conversation together the day before Wright's execution ?

A.—I cannot recollect particularly ; to the best of my knowledge they were not.

Cross-
examined by
the Court.

Q. by the Court.—Do you take upon yourself to swear that Broomfield never did read to Wright during the time Wright was imprisoned with him ?

A.—He did not, unless on the morn'g he was executed.

Q.—Did you never leave Wright in the room while in confinement, and for what length of time might you be absent from Wright ?

A.—Yes ; I did leave the room occasionally for ten minutes or a quarter of an hour at a time.

Q.—Did you not frequently converse and walk in the gaol yard with Turner, a prisoner, and during such converse did you always particularly observe that Broomfield was not in company with Wright ?

A.—Yes, I was in the habit of being in the yard with Turner ; thinks he might have been in the room, but believes he did not read to him.

Q.—Will you swear that you have not, directly or indirectly, had any conversation with any person whatever about some seed wheat ?

A.—No ; I never had with any person but Mr. Stogdell.

Samuel Sparkes sworn :—

1799

Q. by the prisoner.—Was you ever in the habit of reading to Wright, the deceased, in gaol?

21 Feb.

A.—Yes, frequently.

Evidence of
Samuel
Sparkes.

Q.—Did you ever know of Broomfield's reading to Wright during his confinement?

A.—Never while he was in the room with Wright, with whom he was a prisoner.

Q.—Did you ever during imprisonment with Wright hear Wright name the prisoner?

A.—No, never.

Q.—Could Broomfield have read to Wright without your knowledge?

A.—At times I was out of the room, and he might have done it.

Q.—Did you observe Lacey and Broomfield lately in conversation in the gaol together?

Intercourse
between
prisoners.

A.—Yes; frequently seen them talking together.

Q.—Have you particularly observed that Lacey supplied Broomfield with necessaries in the gaol?

A.—Yes; I have frequently seen Lacey bring down tea, and so forth, to Broomfield.

*At 3 o'clock the Court adjourned until to-morrow morning,
10 o'clock.*

Friday morning, 15th March, 1799, at 10. The Court met pursuant to adjournment.

James Fealon, one of the constables of Sydney, sworn :—

A con-
stable's
evidence.

Q.—Was you in conversation with Broomfield the day previous to the prisoners being committed?

A.—He was.

Q.—Relate the conversation that then passed respecting the prisoner?

A.—Broomfield told the witness that nothing was so sweet as revenge, and he hoped to have it soon; and had it not been for the ser'jt-major he sho'd not detect another person.

A threat.

Q. by the Court.—Did you at that time understand these expressions of Broomfield's applied to the pris'r?

A.—Yes, I did.

Q.—What reason had you for so thinking?

A.—Because I knew there was a falling-out between Broomfield and the prisoner some time before.

Thos. Colley sworn :—

Evidence of
Thos.
Colley.

Q.—Did you ever hear Broomfield say he wo'd seek revenge upon me if he waited seven years to come?

1799 ran there and would not come out, and, its being dark, deponent
 21 Feb. stooped to see if he could perceive any persons, when he saw a man,
 and enquired who it was, three times, when the person made no
 reply, on which dep't observed—"Be who it will, if you offer to stir
 I will knock you down with a stone"; and deponent then went and
 The robbery. looked in his face and said—"Is not that Rich'd Bayliss?" who
 answered—"It was; Mich., hold y'r tongue." Bayliss then went
 into an empty house, and the deceased Wright was in the empty
 house and came out to him. Wright then said to Bayliss—"Stand
 no nonsense, but put the bag on the barrow"; on doing of which
 the contents of the bag made a creaking noise. Dep't then said to
 Bayliss—"For your being so stubborn and jolly you shall not
 wheel it away without my first seeing what is in it"; and dep't
 then opened the bag and found it contained a roll of tobacco in a
 basket, and he (deponent) broke about two inches of tobacco from
 the roll. He (deponent) then went into his house for his hatt,
 and came out again and overtook Bayliss with the barrow and the
 Removing the tobacco. bag of tobacco, and followed him till he saw him go over the
 bridge near the tanks, and dep't then turned up Pitt's Row, and
 saw no more of Bayliss; and then went up Pitt's Row, where he
 met with Bloodsworth, who was going to the burial-ground, and
 they walked on together till they came near the burial-ground,
 when the dep't informed him the whole of what he has before
 related, and the same day Kable sent for dep't, when he informed
 him (Kable) the whole of this business.

Q. by the Court.—Did you enquire of Bayliss where he was
 going with the tobacco?

A.—He did not.

Q.—Did you see Wright any more?

A.—He saw him following Bayliss

Q.—Did you ever inform any other person of this circumstance
 either before or at the tryal of Isaac Nicholls, except Bloodsworth
 and Kable?

A.—He kept it no secret, and mentioned it before the whole of
 the plaisterers' gang.

The inquiry
 concluded.

The Court dissolved this 3rd day of April, 1799.

SAMUEL MARSDEN, J.P.

THOS. LAYCOCK.

GEO. BASS.

JAS. THOMPSON.

JAMES WILLIAMSON.

[Enclosure No. 6.]

ISAAC NICHOLS TO THE COURT OF INQUIRY.

Gentlemen,

Sydney, 2nd April, 1799.

Persecution
 of Nichols.

It is very hard to think people are still so much embittered
 against me, and using every means to do me a further injury.

Q.—Did he tell you where he intended to convey the tobacco to, had they not seen the supposed constables, or did you never ask him ? 1799
21 Feb.

A.—No, he did not. He never asked him, nor did he enquire.

Q.—Did he tell you how long the tobacco remained in Nicholls's yard, and if he saw the prisoner or any person there at the time ?

A.—No, he did not (in answer to both questions).

Q.—How came your bro'r to mention to you that Nicholls did not owe him any money ?

A.—They were conversing respecting the will the deceased was about to make, and witness asked him if Nicholls owed him anything ; that Nicholls did not owe him an halfpenny, nor had he any property from him (the deceased) since he had been in the country.

Q.—Do you know Thomas Smith, an evidence for the prosecution, serv't to Capt. McArthur ? Thomas
Smith.

A.—Yes, he does.

Q.—Had you ever any conversation with said Smith respecting the prisoner, and what was such conversation ? Relate it to the Court ?

A.—The day before his brother suffered he was in conversation with said Smith, at Sydney, who desired the witness to advise his bro'r to bring Nicholls to justice about the tobacco, who replied his brother had not told him anything about it.

Q.—Relate to the Court how the four debts alluded to as due to your brother were and for what contracted ?

A.—Will'm Harding, £3 ; knows not what for. James Harris, £1 5s. ; shirt and trowsers. Thos. Acres, £1 10s. ; 3 bushells wheat. Jos. Taylor, £1 6s. ; balance due for 6 lb. Brazil tobacco.

James Underwood sworn :—

Q. by prisoner.—Did Jos. Taylor glaze any windows for you lately ? Evidence of
James
Underwood.

A.—Yes.

Q.—Did you, from the various reports that were in circulation about me, knowing the intimacy between Baylis and Taylor, think that Taylor could tell you something about them ?

A.—Yes ; he thought he might tell him something about it.

Q.—Did not Taylor observe at the same time that if Baylis knew anything about it he wo'd have made him (Taylor) acquainted with it ?

A.—Taylor did tell the witness that Baylis had lived with him, but was gone into ye country, and that Baylis was so soft and easy a fellow that if he had known anything about the tobacco he would have told him of it, and the witness replying to Taylor that he supposed there was nothing in it, Taylor answered "No," and that Baylis never did tell him. Hearsay
evidence.

1799 *Q. by the Court.*—Had you any conversation with Taylor
21 Feb respecting an advertisement of a reward held out by the prisoner
for the discovery of the person who had defamed his character?

A.—Not at that time.

Q.—Had you at any other time conversation with Taylor respecting the advertisement before alluded to?

A.—Yes; before that time of his coming to finish his windows, and he believes about three weeks ago last Tuesday.

Evidence of
Rev. R.
Johnson.

Rev. Richard Johnson sworn :—

Q.—Do you recollect attending Saml. Wright during his sentence in the gaol, and on the day of his execution?

A.—Certainly; from his condemnation to the day of his execution, and twice on the mornng. he was executed.

Q.—During these visits, did the said Wright make any confession to you?

A.—Respecting his own guilt, but no other person's.

Q.—Did you, on the day of his execution, ask him if he had anything to say to you in particular?

A.—Yes, several times, and on the morning of his execution; but he confessed nothing particular.

Q.—During the time you visited Wright, as the clergyman, did he ever mention the prisoner's name to you?

A.—Never that he recollects.

Evidence of
Charles
Gardner.

Charles Gardner, overseer, sworn :—

Q.—How long have you been in the habit of coming to my house, as an overseer under me?

A.—About two years and an half.

Q.—Did you at any of those times ever see people of bad fame at my house, namely, Wright, Baylis, or any other of their description?

A.—Never to his knowledge.

Q.—Have you ever seen or known a dishonest act by me in that time?

A.—Nothing of the kind that ever he co'd discern.

Q.—Did you ever observe any riots, drunkenness, gambling, or any other disorders in my house?

A.—Never; nothing of the kind.

Cross-exam
ined by the
Court.

Q. by the Court.—Have you not been in the habit of visiting the prisoner since he has been in confinem't?

A.—I have, several times.

Q.—How long have you ever been with him in gaol at any one time?

A.—About a quarter of an hour, or twenty minutes, when I have been to take him his victuals, at one time.

Q.—Who have you generally found in company with the prisoner on these your visits? 1799

A.—McDonald and his woman, and Wood, the prisoner's servant, were in company together generally. 21 Feb.

Q.—Have you not seen Kable or Lancashire frequently with the prisoner in conversation at the gaol?

A.—He has seen Kable in the room with the prisoner, but does not recollect seeing Lancashire with him.

Q.—Have you not seen Kable and the prisoner drinking together in the gaol since the prisoner's confinement? The prisoner's visitors while in gaol.

A.—Yes; he has seen them drinking together.

Q.—Was Kable sitting or standing at such time, and what other persons were present?

A.—He was sitting generally, and the persons he has before named present.

Q.—If in the habits of his calling at Nicholls's house had such people as Baylis, Wright, &c., frequented it, could they have been there without his seeing them?

A.—Not when he has called there, as he had access to every part of the house, and must have seen them had such people been there at such times of his call for orders.

Q.—Have you not during the two years and half acquaintance with Nicholls been repeatedly absent and at the Hawkesbury?

A.—Twice.

Q.—State the particular time you was last there?

A.—It was the 27th day of December last, and he returned to Sydney on the 16th February last.

William Miller sworn:—

Q. by the prisoner.—During the time I have been a neighbour of yours have you ever known me keep a disorderly house? Evidence of William Miller.

A.—No.

Q.—Did you ever see Saml. Wright, lately executed, or any of his associates at my house?

A.—No, he never did.

Q.—Did any servant of yours ever report to you that bad characters frequented my house?

A.—Never.

Q.—During the time of being a neighbour with you, did you ever know a dishonest act by me?

A.—No; a very good neighbour.

Q. by the Court.—From living so close to the prisoner, had he been in the habit of harboring bad people should you not have known it? Cross-examined by the Court.

A.—He might have done so, but he never has seen it.

Q.—Are you in the habits of going frequently in and out to the prisoners' yard, house, &c.?

1799

21 Feb.

Evidence of
Daniel
Cubitt.

A.—He generally sends his servant for anything he may want there.

Daniel Cubitt sworn :—

Q.—During the time that I have been a neighbour of yours, did you ever know that I kept a bad or disorderly house?

A.—No, never did.

Q.—Have you not frequently been at my house during the time we have been neighbours?

A.—Yes, often.

Q.—Did you ever see the deceased, Wright, or any of his associates at my house?

A.—No, never did.

Q.—During the time you have known me, did you ever know any dishonest act by me whatever?

A.—No, not to his knowledge.

Cross-examined by the Court.

Q. *by the Court*.—Can you take upon yourself to say that no person or persons of bad character did frequent the house of the prisoner?

A.—I cannot say.

Evidence of
Thomas
Moore

Thomas Moore sworn :—

Q. *by the prisoner*.—Have you not known me for a long time?

A.—I have.

Q.—Will you please to ascertain my character to the Court as your neighbour?

A.—I have always found the prisoner in all dealings I have had with him punctual.

Q.—Did you ever know any dishonest act by me?

A.—No, never did.

Q. *by the Court*.—Had the prisoner kept a disorderly house, must you not have known it, by being so near a neighbour to him?

A.—I think I might; but I never saw it.

Evidence of
Thomas
Smyth.

Thomas Smyth, the Provost-Marshall, sworn :—

Deposeth that he never had any objection to the prisoner's character in general until this affair; always thought him a sober, honest man.

Here the prisoner closed his defence.

The Judge-Advocate read two letters—one from Governor Hunter; the other from Capt. Johnston, his Excellency's aid-de-camp, of which the following are copies, viz :—

Gov't House, Sydney,
13th March, 1799.

Sir,

Nichols asks
for a charac-
ter from
Hunter.

Having this morning received a letter from Isaac Nichols, one of the prisoners now before the Co't, in which he requests that I will lay before its members, in writing, my testimony of his

general conduct as an overseer, under such authority as I had thought proper to place him. In justice, therefore, to the man, I have to declare to the Co't that during the whole time he has officiated as the principal overseer of the town gangs, and such works as they were occasionally employed upon, he performed his duty with unremitted assiduity. His sobriety, diligence, and constant attention to such orders as he has from time to time received from Capt. Johnston by my direction was such as to give me the most perfect satisfaction ; and as I have had frequent occasion to send for him both early and late, and to give him directions myself, I can, with truth and justice, assure the Court that I never found the duties of his station so well executed since I have been in the country. He has frequently saved me much trouble by his diligence ; and with respect to his honesty, I have never entertained the most distant suspicion of it.

1799

21 Feb.

Hunter's
high opinion
of him.

Should the Court require my personal testimony as a stronger proof of the good opinion I have hitherto held of the above man, I will most readily appear before it for that purpose.

I am, &c.,

JNO. HUNTER.

Dear Sir,

Tuesday morning.

I was informed yesterday by the Provost-Marshal that Isaac Nicholls meant to call upon me for a character. I have only to say that for near two years and a half that he was under my direction he always behaved with the utmost honesty, attention, and sobriety.

Endorsed
by Captain
Johnston.

I am, &c.,

GEO. JOHNSTON.

P.S.—If it is necessary for me to give the above evidence on oath, I will thank you to let me know as soon as possible.

Sentence of the Court.

Guilty.—Sentenced to fourteen years' transportation to Norfolk Island, and to work for Government in the common gaol-gang until the time of his embarkation.

The sen-
tence.

[Enclosure No. 2.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

Sir,

3rd April, 1799.

I have to desire you will acquaint me whether you recollect my having informed you in Government House that I suspended the immediate execution of the sentence pass'd by the Court of Criminal Judicature upon the prisoner Isaac Nicholls untill farther order.

The sentence
suspended.

I am, &c.,

JNO. HUNTER.

1799 injured youth, claiming you, my friend, in interesting yourself
 21 Feb. with his Excellency in my behalf, begging him to spare my life, is
 the prayer of your respectfully ob't and very h'ble se't, the much-
 injured pennitent,

JOHN WILL'M LANCASHIRE

[Enclosure No. 10.]

CAPTAIN WATERHOUSE TO GOVERNOR HUNTER.

His Majesty's ship Reliance, 22nd May, 1799.

The military officers transmit their statements. I HAD the honor of receiving your Excellency's letter, dated the 15th of April, mentioning that the three officers* of the New South Wales Corps, together with the Judge-Advocate (who were members of a Criminal Court of which I was a member), requesting you would transmit with your dispatches such observations as they had made on the trial of Isaac Nicholls, and desiring to know if the Judge-Advocate had inform'd me of your desire to have a copy of the minutes of that Court, and the votes of the different members.

In answer to which, I have never heard from the Judge-Advocate, either verbally or in writing, of your wish to have the copy of the minutes or the votes of the different members.

Duties of members of the Court.

And I most certainly conceiv'd that when that Court was dissolv'd I had complied with the oath, done the duty requir'd of me, and had nothing farther whatever to do with the prisoner, except any circumstances should come out favourable to the prisoner afterwards (and not generally known to the Court at the time the prisoner was tried). In that case the duties of humanity, tho' not of right, would prompt me to represent it to your Excellency, with the hope that its being favorable to the prisoner would induce your Excellency to exert the power delegated to you of extending your mercy to the prisoner.

Captain Waterhouse's views.

Altho' I never should have thought of giving any reasons or making observations on the evidences in support of the verdict I had given (having taken an oath to decide by the evidences bro't before me according to the best of my judgment), yet, in consequence of your Excellency's information (and for which I beg leave to return your Excellency my thanks), I must request you will transmit with your dispatches such observations as I have made on the trial of Isaac Nicholls, and which I shall have the honor of transmitting to your Excellency.

I remain, &c.,

H. WATERHOUSE.

* Hunter forwarded the statement of the three officers referred to, viz., Lieutenants Mackellar and Lucas and Ensign Bayley, to the Duke of Portland, with his letter of the 30th April, 1799, post, p. 658. Judge-Advocate Dore appears to have made a separate statement.

[Enclosure No. 4.]

1799

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.*

21 Feb.

Sir,

4th April, 1799.

I have receiv'd your letter in reply to mine of last night, and I must inform you that you appear to me to be readily disposed either to forget or misunderstand such of my verbal directions to you as do not correspond with your own wishes. Hunter and Dore.

The magistrates will at all times give me satisfaction without reaching beyond the sphere of their proper office.

I will not allow any person to interfere with my immediate prerogative, nor will I suffer the executive authority of the Governor of this territory to be snatch'd out of my hands by any set of men within its limits.

As an officer at the head of the law department in this settlement, I conceive it a part of your duty to point out to those who may have occasion for such information, "That the sentence pronounce'd by a Court of Criminal Judicature cannot be carried into execution but thro' the orders of the commander-in-chief for the time being." But by the authority which you have consider'd proper to be exercised by the civil magistrate (according to the account you have given to me of a decision come to yesterday at a full meeting of those gentlemen), it appears they have assum'd a power of ordering a criminal from the Bar, if cast for death, to the place of execution, without waiting for the opinion or approbation of the commanding officer. Hunter's interpretation of the law.

Two of the magistrates whom I presume you allude to as a part of the full Bench I have read that part of your letter to; they appear'd astonish'd, and positively denied any knowledge of such opinion or resolution.

I repeat to you again, "That I suspend the immediate execution of the sentence pass'd upon the prisoner Isaac Nichols; that he remain a prisoner is my intention at present, but that he is not kept in iron or order'd to labour untill farther orders from me for that purpose." Suspension of the sentence on Nichols.

I am, &c.,

JNO. HUNTER.

[Enclosure No. 5.]

GOVERNOR HUNTER TO OFFICERS.†

By his Excellency John Hunter, Esq., Governor, &c., &c., &c.

WHEREAS reports are at this time in circulation that the robbery lately committed on the house of Mrs. Mullett, and from which a certain quantity of tobacco had been stolen, that this tobacco had been carried by the thieves into the yard or house of Mr. Robert The robbery of tobacco.

* The letter was marked by Hunter "Addressed upon Service."

† The officers to whom this precept was addressed were the Rev. Samuel Marsden, Quartermaster Laycock, Surgeon George Bass (the discoverer of Bass Strait), Assistant-Surgeon Thompson, and the Acting Commissary, James Williamson.

1799

21 Feb.

Evidence of
James Mans-
field.

I shall now commence with the different evidences in support of the prosecution.

James Mansfield, a seaman belonging to his Majesty's ship *Reliance*, swears he saw a man carrying a basket suppos'd to contain tobacco on the Sunday evening up the rocks. It will be necessary here to elucidate this man's evidence, altho' he does not mention Nicholls's name. H. Kable, the chief constable, found the tobacco about four o'clock on the Sunday afternoon (it was stole that morning), and plac'd a constable to watch it, for the purpose of detecting the person who should come to fetch it away, which constable was so negligent of his duty as to admit a man who by chance saw it to take it away without his observing him. H. Kable, finding the tobacco gone without any person being detected, went immediately in quest of it, and found it in a house on the rocks. Fearing a reprimand for negligence, he gave this man a bottle of spirits to return it, and it was again placed for the purpose of detection. The person who by chance saw it and remov'd it must have been the person whom Mansfield saw.

Statement
by the chief
constable.

Henry Kable, the chief constable and the next evidence, swears he was sent for by Nicholls, and acquainted by him that two men had came to his house early that morning and wanted his servant to lodge some tobacco for them, which he refused to do, but directed them to a public warehouse, but on their leaving the house they took a different direction (and that towards where the tobacco was found), which circumstance, and hearing of the robbery, made him send for Kable and give him this information.

A discrep-
ancy.

Jas. Remnant swears he deliver'd a message from a man (Jos. Taylor) to Baylis, concerning Nicholls—which Taylor after this swears he never sent, but which Baylis acknowledg's to have received ; it is evident one of them must be perjurd.

Evidence of
Joseph
Taylor.

Joseph Taylor, the following evidence, besid's denying having sent the message, swears that Baylis had related to him nearly what he had depos'd to in the Court, with this addition, that Nicholls, without any previous acquaintance, connection, or conversation, came up to Taylor in the middle of the street at noon-day, and ask'd him (Taylor) if he thought Baylis was staunch, for if he was no harm could happen to him (Nicholls). I think it very improbable that any man in his senses, guilty of the crime of which Nicholls is charg'd, would lay himself so open to a stranger, and in that abrupt manner—nay, to a friend ; he must have had great confidence in him.

Importance
of character
in weighing
evidence.

I must here again advert to character, for in a colony of this kind, compos'd of men who had forfeited, many their lives, all their liberties to the injur'd laws of their country ; amongst whom perjury is not consider'd as a crime, but has been here in some instances a source of gain ; I have therefore always consider'd it as necessary to pay as much attention to the general character

its contents with them, and after they were gone dep't informed his master that ye aforesaid persons had been there with a bag on the wheelbarrow, and wanted to leave the same there, when his master replied he had acted very right in making them take ye same away; and deponent further deposes that he was ye same morning going down for salt-water, and as he was returning he met the said Wright and Bayliss with an empty barrow, but does not know from whence they came, and shortly after his return with the salt-water he saw Nicholls and ye deceased Wright in conversation together in the old barrack near to Sidaway's house.

1799

21 Feb.

Disposal of
the stolen
tobacco.

Q. by the Court.—Do you recollect ye time Bayliss came to Sidaway's with the barrow and bag?

Cross-
examined by
the Court.

A.—He can't recollect ye time, but it was about a quarter of an hour after daybreak.

Q.—How long was it after Bayliss had been at your master's house before you saw Wright and Bayliss return with an empty barrow?

A.—About an hour.

Q.—Where did you meet Bayliss and Wright with the empty barrow?

A.—Opposite the provision store, facing Blinkworth's house, coming towards his master's house.

Q.—Had you any idea of what ye bag contained?

A.—None.

Q.—Did Bayliss seem inclined to dispose of what ye bag contained?

The
movements
of Baylis and
Wright.

A.—No.

Q.—Did you enquire of Baylis where he came from, or where he was going?

A.—He did not.

Q.—Did he say nothing more to you than that he wished to conceal or leave the bag with its contents in y'r master's house?

A.—Nothing more.

Q.—When Wright and Nicholls were talking together near y'r master's house, had they anything that appeared like a package with them?

A.—He did not see anything.

Q.—Did you not say to some person that you saw the bag rolled into Nicholls's house?

A.—He did not.

Q.—Did you ever mention the circumstances you have stated to any other person but y'r master?

A.—No.

Robert Sidaway, being again called:—

Deposed on oath that on the Sunday morning he had heard of Captain Wilkinson's robbery he was informed by Richard Verior

Evidence of
Robert
Sidaway.

1799

21 Feb.

was, and that Kable express'd himself much oblig'd to Nicholls for the information.

Here closed the evidence on the part of the prosecution, a combination of hearsays from one person to another.

After the prisoner had read his defence, he proceeded to call upon—

Evidence for
the defence.

John Win. Lancashire, who swears he was at work in Nicholls's house on Sunday morning, when the servant of Nicholls told his master, in the hearing of Lancashire, that two men wanted to leave some tobacco there that morning, which he had refus'd, on which they went away; and that he since had heard Mrs. Mullett had been robb'd of some tobaccoe. In consequence of this information, Nicholls dispatch'd Lancashire for Kable, the chief constable, to inform him of the circumstance, which is confirm'd by Kable's evidence on the prosecution. This evidence, with the corroboration, I think must have remov'd every doubt, if any doubt remain'd.

Witnesses
called by
Nichols.

Saml. Sparks, a prisoner in the gaol with Wright, swears he never heard Wright mention Nicholls's name.

Jas. Fealon and Thos. Colley—evidence only goes to establish the threats of Broomfield to have his revenge of Nicholls.

Jas. Wass was in the cart with Wright when going to be executed, and swears he never heard him mention Nicholls's name, which is sworn to on the prosecution by the executioner.

Samuel
Wright's
will.

Willm. Wright, brother to Saml. Wright that was executed for the robbery, produc'd the last will of his deceas'd brother, in which everything his brother had is left to him, Wm. Wright. Four debts are mention'd in the will, but Nicholls's name is not mention'd. He likewise depos'd that his brother had inform'd him verbally of those four debts stated in the will, on the morning he was executed, at which time he ask'd his brother if Nicholls did not owe him some money, having heard it reported that Nicholls did, who repli'd, "No, he did not; that he never had dealings of any kind with Nicholls"; that his brother told him that himself and Baylis had wheel'd the tobacco into the yard of Nicholls's house, out of the sight of two men who were coming that way, and who they suspected to be constables, and that they afterwards wheel'd it to the rocks, where it was found. He farther depos'd the day before his brother suffer'd he was in conversation with Thos. Smith (who gave an evidence on the prosecution), who desir'd the witness to advise his brother to bring Nicholls to justice about the tobacco, to which his reply was that his brother had not told him anything about Nicholls. Concieving this to be the fact, was there ever a stronger evidence in favor of a prisoner given before a Court of justice?

A proof of
Nichols's
innocence.

Evidence of
James
Underwood.

James Underwood, the next evidence, depos'd that Jos. Taylor (an evidence on the prosecution) had told him that Baylis was so

Q. by the Court.—Did you ever mention to any person or persons what you have now related during the tryal of Isaac Nicholls? 1799

A.—Both during and after to several persons.

Q.—To whom?

A.—He sent for Jas. Lacey and related the circumstances as before stated, and Lacey informed de^t. that Verior had been before Mr. Balmain respecting the business.

21 Feb.

Cross-examined by the Court.

Jas. Lacey :—

Deposes on oath that the substance of the deposit'n read in Court of Mr. Jas. Bloodsworth is tantamount to what he himself should have deposed.

Evidence of James Lacey.

Captain Henry Waterhouse, of his Majesty's ship Reliance :—

Evidence of Captain Waterhouse.

Deposes on oath that he heard from Captn. Johnson that ye tobacco stole from Captn. Wilkinson had been taken to Sidaway's house, and knowing that was no part of the evidence gave in by Bayliss on ye prosecution of Nicholls, he thought it was not true, or that if it were it was much in favour of Nicholls, and not known at ye Court, of which he was a member, in consequence of which he (deponent) called Sidaway out of his house, and enquired of him whether it was the case, and Sidaway replied it were, and that it was wheel'd down the morning of Captain Wilkinson's robbery, and that Bayliss was the man who wheel'd ye same, which he had been informed by his servant, and that deponent remarked to Sidaway that it appeared as if they did not know what to do with it, when he answered they wanted it to put it in his bakehouse, which is adjoining the dwelling ; and dep't further enquired of Sidaway whether it was the same tobacco that was wheel'd into Nicholls's yard, and believes he (Sidaway) replied that it was impossible for him to answer, but that ye man and time corresponded, when deponent remarked it was a pity it was not known at the time of the tryal of Isaac Nicholls, as it was a thing so much in his favour. Sidaway replied to deponent he had never made any secret of it whatever, and that he had told it to Mr. Bloodsworth, who had informed ye Judges, and whether he (Sidaway) had mentioned it to any other person deponent can't positively say.

Attempt to dispose of the stolen goods.

Q. by the Court.—Was any other person present at the time this discourse occur'd?

A.—He does not recollect seeing any person.

The Court adjourned till Wednesday, ye 3rd inst., at 8 o'clock.

Michael Gary, being duly sworn :—

Evidence of Michael Gary.

Deposes that on the Sunday morn he got up just as the revalley [reveille] beat, and opened the door, when his dog went out and began to bark, and at the empty house adjoining deponent's the little dog

1799 ran there and would not come out, and, its being dark, deponent
 21 Feb. stooped to see if he could perceive any persons, when he saw a man,
 and enquired who it was, three times, when the person made no
 reply, on which dep't observed—"Be who it will, if you offer to stir
 I will knock you down with a stone"; and deponent then went and
 The robbery. looked in his face and said—"Is not that Rich'd Bayliss?" who
 answered—"It was; Mich., hold y'r tongue." Bayliss then went
 into an empty house, and the deceased Wright was in the empty
 house and came out to him. Wright then said to Bayliss—"Stand
 no nonsense, but put the bag on the barrow"; on doing of which
 the contents of the bag made a creaking noise. Dep't then said to
 Bayliss—"For your being so stubborn and jolly you shall not
 wheel it away without my first seeing what is in it"; and dep't
 then opened the bag and found it contained a roll of tobacco in a
 basket, and he (deponent) broke about two inches of tobacco from
 the roll. He (deponent) then went into his house for his hat,
 and came out again and overtook Bayliss with the barrow and the
 Removing the tobacco. bag of tobacco, and followed him till he saw him go over the
 bridge near the tanks, and dep't then turned up Pitt's Row, and
 saw no more of Bayliss; and then went up Pitt's Row, where he
 met with Bloodsworth, who was going to the burial-ground, and
 they walked on together till they came near the burial-ground,
 when the dep't informed him the whole of what he has before
 related, and the same day Kable sent for dep't, when he informed
 him (Kable) the whole of this business.

Q. by the Court.—Did you enquire of Bayliss where he was
 going with the tobacco?

A.—He did not.

Q.—Did you see Wright any more?

A.—He saw him following Bayliss

Q.—Did you ever inform any other person of this circumstance
 either before or at the tryal of Isaac Nicholls, except Bloodsworth
 and Kable?

A.—He kept it no secret, and mentioned it before the whole of
 the plaisterers' gang.

The inquiry concluded. The Court dissolved this 3rd day of April, 1799.

SAMUEL MARSDEN, J.P.

THOS. LAYCOCK.

GEO. BASS.

JAS. THOMPSON.

JAMES WILLIAMSON.

[Enclosure No. 6.]

ISAAC NICHOLS TO THE COURT OF INQUIRY.

Gentlemen,

Sydney, 2nd April, 1799.

Persecution
 of Nichols.

It is verry hard to think people are still so much inbittered
 against me, and useing every means to do me a further injury.

This morning Ensign Bond came to visit Lancashire in the gaol (who is under sentence of death, and particularly wanted to know if he was not bribed to come forward on the behalf of Nichols on his tryal, or that I had promised him some amolument for so doing); that Lancashire told him the same as he said on my tryal, that it was the truth he declared at the Court, and nothing should make him say or spake a falshood, particular at this time.

1799

21 Feb.

Attempt to extort a confession.

Mr. Bond also promised that Captn. McArthur would sign his pertition and give it to the Governor, and he himself had no doubt but it would be the saveing of his life.

Mr. Bond then left Lancashire, and in a little time afterward returned and told Lancashire that Captn. McArthur was coming with the Revd. Mr. Johnston to hear what he had to say upon the business, and if he meant to save his life it must be to declare that part of the business what he receiv'd for coming forward on my behalf on my tryal, as he himself, meaning Mr. Bond, had been inform'd that I had given Lancashire twenty pounds for so doing.

How to escape the gallows.

At this time Captn. McArthur and the Revd. Mr. Johnston came into the gaol, when Captn. McArthur said, "Well, Lancashire, I hope you are inclin'd to make a confestion of some of your past conduct in respect to your coming forward on the behalf of Isaac Nichols."

Interviewed by officers.

Lancashire then related the same as on my tryal, and declared that what he had formerly said was the truth (yet Lancashire declares that Mr. Bond seem'd a desire for obtaining an extortion from him) by his pointing out this was the only means of saving his life.

Adheres to his former statements.

I beg (gentlemen) you will take this into your humane consideration, as I have just now receiv'd everry particular of this information from Lancashire's lips.

Give me leave, &c.,

ISAAC NICHOLS.

The above are facts as pass'd between Ensign Bond, Captn. McArthur, and me, and that Mr. Bond, on his first coming to me, told me repeatedly that it was thro' my coming forward on the part of Isaac Nichols that I received the dreadful sentence I am now under.

Endorsed by the prisoner.

As witness my hand, this second day of April, one thousand seven hund'd and ninety-nine.

JNO. WILL'M LANCASHIRE.

[Enclosure No. 7.]

A CONVICT'S PETITION.

To his Excellency John Hunter, Esq., Governor of New South Wales, &c.

A condemned prisoner's petition.

The humble petition of John William Lancashire,—

Most respectfully sheweth,—

That your Excellency's unfortunate petitioner is a youth of honest, respectable, and worthy parents, who ever lived in affluence,

His youth and parentage.

as this man was never blemished until that unfortunate day when he made the breach. That your Excellency's witness was Mr. Robert Williams, banker, in Birch-lane, who is now a poor witness, for some considerable time he was ill, and it was that captain's clerk on board the ship who was the witness, but owing to an ill state of health he was prevented to give the service; besides many other witnesses were in the Navy, and where opportunities have been that he might have committed thousands of pounds instead of shillings, and now he is unfortunately committed.

That your witness begs leave to inform your Excellency that he has been tried only of his ever been tried in a Court of law, the first of which caused your petitioner seven years' imprisonment, but the second (and last)—more dreadful than the first—sentenced for death. Oh! horrid name, and still more so the stain upon my distant and unhappy friends.

That your Excellency's petitioner, conscious of the humane nature of the law and the gracious mercy you are ever ready to show the unfortunate in a like situation, most humbly begs that you will be pleas'd to take the prayers of a dying man, and your humane consideration and be pleas'd to examine the evidence of my trial, where your Excellency (I trust to the justice of the law) will find something favourable in my behalf that my name be cleared and not cut off in the blooming flower of youth.

Your petitioner would not presume to vindicate his cause, but when did he know himself any way guilty, but beg your Excellency that the charge for which he is innocent of. That would any man of a reasonable mind, who would underse his own name on the back of a forged note, and then to have been so? That after being given to me by Chs. Davis (when I shew him the bill) that Mr. Davis shew'd his name with a double ll, instead of the single l, and the bill, I was not willing to part with the bill entirely, but I shew'd Mr. Stockdale to have shewn him the bill, as your Excellency will find by my trial that I enquired of his own shepherd, and he was coming up; that he informed me in the morning that he did not wish to pay it away. This happened on Monday morning, and on Sunday I was made prisoner, tried on Monday morning and received the dreadful sentence of death—four hours. Had I an idea of anything but that my name would have acquitted me, I would have endeavoured to have shew'd my trial, that I might have had an opportunity of clearing the Lascar forward, which, I declare to my God, I had done in an exchange.

Your petitioner begs leave to assure your Excellency that the pressure has been borne against me was so great that whatever

had been favourable in my behalf I could expect no other sentence than what I have received. Had I not have come forward on Capt'n. Cameron's business, and not have troubled the comp'y of comedians (soldiers) for money, for my painting the scenery, I should hope to have received a far different sentence to what I have now. 1799
21 Feb. A scenic artist.

Your Excellency's petitioner would not presume to excite your attention and perusal longer than necessity dictates; but the horrid sentence I am under compels me to humbly beg that your Excellency will be pleased to give ear unto my prayer, and in pity to my youth, my unhappy parents and friends, and the many censures I labor under, to spare me my life—my life, I ask—as the prayer of a dying youth, now waiting that moment, which is in your Excellency's most gracious power, and whose mercy have been extended to the unfortunate, who, I hope, is now making bright and flourishing men. Oh! may the Almighty inspire into your mind this my last and greatest request. Take thy life, and may the remainder of thy days prove more happier than the former have miserable and unfortunate. Hunter's leniency.

Ever would I return fervent prayers to the Almighty—adore my Creator—do to all men as I would wish to be done unto; thus become a member beneficial to society, and, as in duty bound, will ever pray.* I beg, &c.,

JOHN WILLIAM LANCASHIRE.

Sydney Joal, April 2nd, 1799.

[Enclosure No. 8.]

REV. R. JOHNSON TO GOVERNOR HUNTER.

Hon'd and Dear Sir,

Sydney, 24th April, 1799.

Understanding that my name has been mentioned in two letters—one† in a letter from Lancashire to a member of the Court before whom he had been tried; and in another‡ which I saw Nichols addressed to the members of a Court of Inquiry convened for the purpose of investigating the truth or falsehood of certain reports at that time in circulation, and which, if founded in truth, were highly material to the prisoner Nichols, who had been convicted before the Criminal Court just then dissolved,—I beg leave to acquaint you with the business to which Nichols in that letter alludes. The chaplain's account of the attempt to secure a confession.

I was called upon by Captain McArthur, and by him informed that Lancashire either had made, or was about to make, a confession to Mr. Bond, relative to the evidence he had given upon the trial of Nichols, and desired me officially, as chaplain, to go with him and to take down his confession. After some little

* Hunter granted this petition. See footnotes on pp. 583, 601, ante.
† Post, p. 620. ‡ Ante, p. 616.

1799 hesitation, I went with Captain McArthur ; took pen, ink, and
 21 Feb. paper with me ; Mr. Bond was there with Lancashire, who was
 frequently and closely interrogated by both these gentlemen, but
 He endorses was surprized to find he had no confession to make to them, and
 Nichols's repeatedly answered them by saying that what he had said upon
 account. the trial of Nichols was the truth, and that he had no more to
 say upon the subject. Hearing this, I left him and returned
 home.

I have thought it necessary to say thus much least you or any
 others sh'd suppose I sh'd have been concerned in attempting any
 unjust confession from Lancashire, and also to declare that my
 only motive was, what I have always conceived my duty upon
 such occasions, viz't, to obtain any information from persons in
 his unhappy situation which might be serviceable to the com-
 munity.

I am, &c.,

RICHARD JOHNSON.

[Enclosure No. 9.]

JOHN WILLIAM LANCASHIRE TO CAPTAIN KENT.

Sir, Tuesday, 2nd April, 1799, Sydney Goal.

An appeal Fully sensible of the great presumption I am guilty off in
 to Captain writing to you, but conscious of the tending humanity you are
 Kent. endow'd with, hope you will not consider it as abruptness.

The unfortunate situation which I am now placed in compels
 me to claim your pity and assistance in and for my behalf. I
 have taken the liberty of writing a petition to his Excellency,
 wherein I have stated the facts really as it was. I have also
 stated the prejudice that was borne against me ; but, at the same
 time, beg leave to assure you that it's only on two gentlemen I
 spake off, whom I know was prepossess'd against me, one of which
 positively declar'd just after I came forward upon Capt'n. Cameron's
 business* that if he could he wou'd hang me before any man upon
 the ground. This as been said not only to one person, but two or
 three or more, and have borne the greatest enmity against me ever
 since imaginable.

An inveter- The second is inveterate against me, because I came forward
 ate enemy. and spoke the truth upon the trial of Isaac Nichols, thro' which I
 was obliged to leave the theatre ; and on acc't of attempt'g to
 obtain my money for work—painting scenery, &c.—to the com-
 pany, I was called a damn'd rascal, and many other names of which
 I was not deserving. The only reason I give is because I bore the
 name of a convict and was intermix'd with soldiers, sorry I am to
 say, and that from a firm belief that the prejudice against me was
 occasioned by such frivolous things as endeavouring to support
 truth and claiming my own rights.

* Lancashire, apparently, here refers to Ensign Bond.

You, most worthy sir, I appeal too for some things favourable upon my trial, and beg that you will be pleas'd to point them out to his Excellency, particularly on the part of Austin Flowers, who firmly believ'd that I did not know it to be a forgery, neither did he believe I wanted to pass or exchange the bill. Why I did not wish to pass the bill was, in coming from Judge Atkins's farm I happen'd to shew the bill to Chs. Davis, who was then in comp'y with me, were he pointed out the name not been spelled with a double ll, as is generally in the name of Stockdell. From this moment I was dubious of the note, yet conscious of my getting it in an upright manner I entertain'd no fear, but was fully bent in, showing the bill to Mr. Stockdale, as I understood he was to be in Parramatta on the morn'g following.

1799

21 Feb.

— —
The charge
of forgery
laid against
Lancashire.

To prove the above sufficient facts in respect of the censure and prejudice against me, only this morning Ensign Geo. Bond visited me (as a friend) and particularly wanted to know if Isaac Nichols did not bribe me to come forward in his behalf or promis'd me some emolument for so doing. Mr. Bond also promis'd that Captn. McArthur would get my petition sign'd and deliver it himself to his Excellency, and that he had no doubt but it would be the means of saving my life, would I but acknowledge the whole of the business. I told him that the unhappy situation which I was placed in would not tempt me to err from sacred truth, that I said at the Court was founded upon truth, and all as he could say would not make me spake a falsity. God forbid that I, tho' awkwardly situated, should attempt to say false of an innocent man, and all under the idea of my life being saved. No, no ; God forbid.

The question
of bribery.

Mr. Bond then took my petition away with him under the pretence of getting Captn. McArthur to sign it. In a short time after Mr. B. again return'd, and pointed out some defects in my petition, and also told me that Captn. McArthur and the Revd. Mr. Johnson was coming to me, and if I wanted to save my life (the time was short) was to declare what I received from Isaac Nichols for coming forward on his behalf on his tryal, for he himself had been given to understand I received £20 for so doing.

Ensign
Bond.

In some little time after Captn. McArthur and the Revd. Mr. Johnson came in, when Captn. McArthur said, " Well, Lancashire, I find you are inclinable to make a confession of some of your past misconduct in respect of the trial of Nichols." I then related the whole of the truth as I said upon the trial, and that I would prejudice no man upon no terms whatever, but Mr. B. was wont'g to extort a confession from me, as he was pointing out it was the only means of saving my life, and by repeatedly telling me it was thro' my coming forward on the part of Isaac Nichols that I receiv'd so dreadful a sentence. If the above is not some proof of prejudice against me, I am lost ; but I will leave it to your superior and unerring wisdom. My prayer is that of a dying and much

Attempts to
extort a
confession.

1799 injured youth, claiming you, my friend, in interesting yourself
 21 Feb. with his Excellency in my behalf, begging him to spare my life, is
 the prayer of your respectfully ob't and very h'ble s't, the much-
 injured pennitent,

JOHN WILL'M LANCASHIRE

[Enclosure No. 10.]

CAPTAIN WATERHOUSE TO GOVERNOR HUNTER.

His Majesty's ship Reliance, 22nd May, 1799.

The military
 officers
 transmit
 their state-
 ments.

I HAD the honor of receiving your Excellency's letter, dated the 15th of April, mentioning that the three officers* of the New South Wales Corps, together with the Judge-Advocate (who were members of a Criminal Court of which I was a member), requesting you would transmit with your dispatches such observations as they had made on the trial of Isaac Nicholls, and desiring to know if the Judge-Advocate had inform'd me of your desire to have a copy of the minutes of that Court, and the votes of the different members.

In answer to which, I have never heard from the Judge-Advocate, either verbally or in writing, of your wish to have the copy of the minutes or the votes of the different members.

Duties of
 members of
 the Court.

And I most certainly conceiv'd that when that Court was dissolv'd I had complied with the oath, done the duty requir'd of me, and had nothing farther whatever to do with the prisoner, except any circumstances should come out favourable to the prisoner afterwards (and not generally known to the Court at the time the prisoner was tried). In that case the duties of humanity, tho' not of right, would prompt me to represent it to your Excellency, with the hope that its being favorable to the prisoner would induce your Excellency to exert the power delegated to you of extending your mercy to the prisoner.

Captain
 Water-
 house's
 views.

Altho' I never should have thought of giving any reasons or making observations on the evidences in support of the verdict I had given (having taken an oath to decide by the evidences bro't before me according to the best of my judgment), yet, in consequence of your Excellency's information (and for which I beg leave to return your Excellency my thanks), I must request you will transmit with your dispatches such observations as I have made on the trial of Isaac Nicholls, and which I shall have the honor of transmitting to your Excellency.

I remain, &c.,

H. WATERHOUSE

* Hunter forwarded the statement of the three officers referred to, viz., Lieutenants Mackellar and Lucas and Ensign Bayley, to the Duke of Portland, with his letter of the 20th April, 1799, post, p. 658. Judge-Advocate Dore appears to have made a separate statement.

OBSERVATIONS BY CAPTAIN WATERHOUSE.

1799

22nd May, 1799.

21 Feb.

I MUST preface the observations I have to make on the trial of Isaac Nicholls by the following remarks :—

That, from a residence of some years in this colony, and being a constant member of our Courts of Criminal Judicature, that I never ^{Peculiarity of the trial.} sat on any one in which more circumspection and caution were necessary in receiving and putting a confidence in the evidence produc'd.

In the first place, the prisoner to be tried, Isaac Nicholls, had ^{Character of the accused} been for some years a free man, who bore so exemplary a character that it had recommended him to the particular notice of the Governor and his aid-de-camp, Captn. Johnston, who, in consequence of the goodness of his character, had rais'd him to the situation of superintendant of all the public works carrying on at Sydney under their immediate inspection ; a man in whom was placed an unbounded confidence, who was in affluent circumstances and making money fast.

Now, contrast this with the man Rich'd Baylis, who prosecuted, ^{compared with that of the prosecutor.} a man of a most notorious and infamous character, who acknowledges himself to have been concern'd in all the robberies committed about Sydney, the intimate friend of a man (Sam'l Wright) who was executed some time before for a burglary in which Baylis was concern'd. He was the friend and concern'd with Wm. Collins in a robbery for which Wm. Collins was then under sentence of death, in addition to which he had turn'd King's evidence to save his own life ; he had convicted one man, Wm. Collins, but the circumstances where such that although condemned to die his sentence could not be put into execution until his Majesty's pleasure was known. He had yet another person to convict to fulfill what the law requir'd of him as King's evidence. I will ask, under those circumstances, what would not so unprincipled a character undertake to do ?

I shall take little notice of his evidence, or of his evasions and omissions ; but of the time he swore he wheel'd the tobacco to the house of Nicholls, which was at the first dawn of day ; he has lay'd the time when nobody was stirring, and fix'd upon a man as his companion who was sometime before executed, therefore could fear no contradiction from him. He might equally have sworn to taking the tobacco to any other person's house under those circumstances as Nicholls, " which he did." Nicholls's servant was indited under the same charge as his master ; Nicholls, therefore, lost his evidence, and therefore could only say he knew nothing about it except what his servant had told him that morning after he got up. I must here mention that Baylis is the only evidence that ^{Credibility of Baylis's evidence.} speak to the fact ; the others on the part of the prosecution are only hearsay.

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21 Feb.

Evidence of
James Mans-
field.

I shall now commence with the different evidences in support of the prosecution.

James Mansfield, a seaman belonging to his Majesty's ship *Reliance*, swears he saw a man carrying a basket suppos'd to contain tobacco on the Sunday evening up the rocks. It will be necessary here to elucidate this man's evidence, altho' he does not mention Nicholls's name. H. Kable, the chief constable, found the tobacco about four o'clock on the Sunday afternoon (it was stole that morning), and plac'd a constable to watch it, for the purpose of detecting the person who should come to fetch it away, which constable was so negligent of his duty as to admit a man who by chance saw it to take it away without his observing him. H. Kable, finding the tobacco gone without any person being detected, went immediately in quest of it, and found it in a house on the rocks. Fearing a reprimand for negligence, he gave this man a bottle of spirits to return it, and it was again placed for the purpose of detection. The person who by chance saw it and remov'd it must have been the person whom Mansfield saw.

Statement
by the chief
constable.

Henry Kable, the chief constable and the next evidence, swears he was sent for by Nicholls, and acquainted by him that two men had come to his house early that morning and wanted his servant to lodge some tobacco for them, which he refused to do, but directed them to a public warehouse, but on their leaving the house they took a different direction (and that towards where the tobacco was found), which circumstance, and hearing of the robbery, made him send for Kable and give him this information.

A discrep-
ancy.

Jas. Remnant swears he deliver'd a message from a man (Jos. Taylor) to Baylis, concerning Nicholls—which Taylor after this swears he never sent, but which Baylis acknowledg's to have received ; it is evident one of them must be perjurd.

Evidence of
Joseph
Taylor.

Joseph Taylor, the following evidence, besid's denying having sent the message, swears that Baylis had related to him nearly what he had depos'd to in the Court, with this addition, that Nicholls, without any previous acquaintance, connection, or conversation, came up to Taylor in the middle of the street at noon-day, and ask'd him (Taylor) if he thought Baylis was staunch, for if he was no harm could happen to him (Nicholls). I think it very improbable that any man in his senses, guilty of the crime of which Nicholls is charg'd, would lay himself so open to a stranger, and in that abrupt manner—nay, to a friend ; he must have had great confidence in him.

Importance
of character
in weighing
evidence.

I must here again advert to character, for in a colony of this kind, compos'd of men who had forfeited, many their lives, all their liberties to the injur'd laws of their country ; amongst whom perjury is not consider'd as a crime, but has been here in some instances a source of gain ; I have therefore always consider'd it as necessary to pay as much attention to the general character

and conduct of the person who gives evidence as to the evidence itself. In the present instance, J. Taylor's house was the constant residence of Baylis, the house at which the different persons concern'd in the late robbery met, drank, consulted, and from which house Baylis went for the purpose, as he says, of wheeling the tobacco down to Nicholls's house. Taylor acknowledges knowing of the robbery from Baylis, but in the room of mentioning it and giving them up he screen'd them all that lay in his power ; no wonder then that their stories agree. Those are circumstances that struck me most forcibly at the time of the trial.

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James Lacey only relates a conversation he says he had with S. Wright while under sentence of death (Wright is the man who stole the tobacco Nicholls is accus'd of buying), in which he says Wright told him he had sold a quantity of tobacco to Nicholls that he had stolen. Jas. Lacey, I think, is one of the worst characters living ; on a former trial he hir'd three men to perjure themselves in favor of a man who had committ'd murder, and for which they stood in the pillory. I think no stress can be lay'd on this man's evidence.

Evidence of
James
Lacey ;

Richard Broomfield's evidence relates a similar conversation with Wright as Lacey's. The strongest objections that could be, was against this man's evidence being taken. Broomfield the evidence was severly punished and sentenced a twelvemonth in the gaol for striking Nicholls, who, in his situation as an overseer, detected Broomfield in stealing corn. Broomfield had likewise repeatedly declar'd that revenge was sweet, and that he would have it out of Nicholls if it was seven years to come.

of Richard
Broomfield ;

Willm. Johnston's (executioner) evidence relates to a confession of Wright's in the cart going to be executed, similar to Lacey's and Broomfield's (waving his being the hangman) in the same cart. On the same seat (which was only three feet six inches long) sat another man, who swears he never heard a word of the confession.

of the hang-
man ;

Hugh M'Donald, a prisoner for debt, in whose room Wright was confined till he was executed (the gaol being burnt down), evidence says that in all the conversations he had with Wright (and he was in the habit of advising and reading to Wright) that Wright never once mention'd Nicholls's name to him.

of Hugh
M'Donald ;

Thos. Smith's (Cap'n McArthur's servant) evidence is what he heard Wm. Wright (brother to Saml. Wright that was executed) say his brother told him, and which Wm. Wright, when call'd upon, positively swears he never said.

of Thomas
Smith ;

Capt. McArthur's evidence is what his servant, Thos. Smith, told him.

Wm. Balmain, Esq.,—evidence says that H. Kable, chief constable, informed him that Nicholls told Kable where the tobacco

of Surgeon
Balmain.

1799 was, and that Kable express'd himself much oblig'd to Nicholls
21 Feb. for the information.

Here closed the evidence on the part of the prosecution, a combination of hearsays from one person to another.

After the prisoner had read his defence, he proceeded to call upon—

Evidence for
the defence.

John Win. Lancashire, who swears he was at work in Nicholls's house on Sunday morning, when the servant of Nicholls told his master, in the hearing of Lancashire, that two men wanted to leave some tobacco there that morning, which he had refus'd, on which they went away ; and that he since had heard Mrs. Mullett had been robb'd of some tobaccoe. In consequence of this information, Nicholls dispatch'd Lancashire for Kable, the chief constable, to inform him of the circumstance, which is confirm'd by Kable's evidence on the prosecution. This evidence, with the corroboration, I think must have remov'd every doubt, if any doubt remain'd.

Witnesses
called by
Nichols.

Saml. Sparks, a prisoner in the gaol with Wright, swears he never heard Wright mention Nicholls's name.

Jas. Fealon and Thos. Colley—evidence only goes to establish the threats of Broomfield to have his revenge of Nicholls.

Jas. Wass was in the cart with Wright when going to be executed, and swears he never heard him mention Nicholls's name, which is sworn to on the prosecution by the executioner.

Samuel
Wright's
will.

Willm. Wright, brother to Saml. Wright that was executed for the robbery, produc'd the last will of his deceas'd brother, in which everything his brother had is left to him, Wm. Wright. Four debts are mention'd in the will, but Nicholls's name is not mention'd. He likewise depos'd that his brother had inform'd him verbally of those four debts stated in the will, on the morning he was executed, at which time he ask'd his brother if Nicholls did not owe him some money, having heard it reported that Nicholls did, who repli'd, "No, he did not ; that he never had dealings of any kind with Nicholls"; that his brother told him that himself and Baylis had wheel'd the tobacco into the yard of Nicholls's house, out of the sight of two men who were coming that way, and who they suspected to be constables, and that they afterwards wheel'd it to the rocks, where it was found. He farther depos'd the day before his brother suffer'd he was in conversation with Thos. Smith (who gave an evidence on the prosecution), who desir'd the witness to advise his brother to bring Nicholls to justice about the tobacco, to which his reply was that his brother had not told him anything about Nicholls. Concieving this to be the fact, was there ever a stronger evidence in favor of a prisoner given before a Court of justice ?

Evidence of
James
Underwood.

James Underwood, the next evidence, depos'd that Jos. Taylor (an evidence on the prosecution) had told him that Baylis was so

soft and easy a fellow that had he known anything about the tobacco being sold to Nicholls that Baylis would have told him of it. The witness then replied to Taylor that he suppos'd there was nothing in it, to which Taylor answered no, and that Baylis never did tell him. I think if this evidence is compar'd with that of Taylor's it will appear what confidence can be put in Taylor's testimony, Underwood bearing a very excellent character.

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21 Feb.

The Revd. Richd. Johnson, the next evidence, depos'd that he attended Saml. Wright constantly after his condemnation and at his execution; that he repeatedly exhorted him to a confession of what he knew concerning the late robberys, &c. His reply was that he had no other confession to make but that of his own guilt, and that he never mention'd the name of Nicholls to him. I think it may be fairly inferr'd that had Nicholls been guilty, and Wright had wish'd to have made it known, the two most likely persons for him to have made it known to would have been his brother and the clergyman; but, on the contrary, he has not spoke of Nicholls but to his brother, and that was to declare he never had dealings of any kind with Nicholls.

Evidence of
Rev. R.
Johnson;

Chas. Gardner, the following evidence, an overseer employ'd under Nicholls for two years and a half, deposes that he constantly had access to the house of Nicholls at all times for orders, &c., and that he never saw any such characters as Wright and Baylis about the house, or anything that would lead him to suppose anything was carrying on that was not strictly proper.

of Charles
Gardner.

The Governor,
Capt. Johnston,
Mr. Smyth, Provost-Martial,

} Gave Nicholls a most exemplary
character.

Evidence as
to character.

Mr. Moore, master-builder,
Wm. Miller, baker,
D. Cupit, dealer,

} Near neighbours, who spoke as to
his exemplary conduct.

After giving this trial a most serious perusal, considering every circumstance most attentively, I am the more confirm'd in my opinion that the smallest shadow of guilt cannot be attach'd to Isaac Nicholls. I have always understood it was lay'd down as a rule to both Judges and Juries "that where any case is dubious, altho' supported by a variety of circumstances, that it is their indispensable duty to find a verdict favourable to the prisoner." I must likewise mention that I had been absent from Sydney three weeks, and only return'd to it the evening before the trial commenc'd, and consequently could not have had any knowledge of the circumstances by which I could have been in the smallest degree influenc'd; and it is my firm opinion he is an object well worthy of your Excellency's clemency.

Waterhouse
convinced of
Nichols's
innocence.

H. WATERHOUSE.

1799 most exorbitant prices to the lowest orders of the settlers and to
 8 March. convicts, and that the profit received on such articles is often at
 the rate of one hundred shillings for one, I am directed by the
 Commander-in-Chief to make known to you the above circum-
 stances, an investigation of which has indeed already been directed
 by his Grace, with a view to ascertain who are the officers that
 have transgressed, and to bring them to punishment. His Royal
 Highness, however, considers it of such importance that no means
 should be neglected which may tend to check in future abuses of
 so infamous a nature, and in every respect so pernicious to his
 Majesty's service and so injurious to the character of a British
 officer, that he is under the necessity of desiring that you will
 embrace the earliest opportunity of proceeding to join your regi-
 ment, where, it is hoped, your presence will materially contribute
 in some measure to restore the credit which has hitherto attached
 to the character of a British officer, but which has in this instance
 been sullied.

An inquiry
to be held.

Paterson to
return to
the colony.

I have, &c.,

ROBT. BROWNRIGG.

THE TRANSPORT COMMISSIONERS TO UNDER SECRETARY KING.

Sir,

Transport Office, 6th March, 1799.

Transports.

Guards for
the voyage.

In answer to your letter of the 21st ult. signifying to us
 his Grace the Duke of Portland's desire that we should take into
 our consideration a proposal submitted by Mr. James Duncan in
 behalf of the owners of the *Friendship* and *Lux St. Anna*, two
 ships taken up on account of the Irish Government for the con-
 veyance of about 300 convicts to New South Wales, relative to
 the provision of a proper guard for each ship, we request you to
 inform his Grace that, upon mature deliberation, we conceive it
 will be more safe that a guard should be furnished as usual by the
 War Department of this country, and that twenty rank and file,
 with their necessary officers, will be the proper number for each
 ship on this service. We also request you to move his Grace that
 orders may be speedily issued for the accomplishment of this pro-
 vision, as the ships will very shortly be ready to sail for Cork for
 the reception of the convicts intended.

We have, &c.,

AMBROSE SERLE.

JOHN SCHANCK.

WM. A. OTWAY.

LIEUTENANT-GOVERNOR KING TO UNDER SECRETARY KING.

8 March.

Sir,

Portsmouth, 8th March, 1799.

The disposal
of Govern-
ment stores.

In consequence of the communication you have made to me
 respecting the colony in New South Wales, I feel it a duty en-
 cumbrant on me to propose such an arrangement as might probably
 remove some of the evils complained of, which has been partly

intimate with, and seldom had spoken to ! An instance of audacity seldom paralleled, and totally different from his former caution. And what a message does Nichols send to this evidence and the deceased, Samuel Wright ?—"That the tobacco was placed between two rocks, near the new house building for Mr. Moore, and if they chose to go for it they might." This was parting in an easy manner, indeed, with what he had run such a risk in receiving.

1790
21 Feb.

Notwithstanding these inconsistencies, let us see what is opposed to this evidence. It is admitted by the prisoner that a basket of tobacco was wheeled into his yard ; but according to William Wright (brother of the deceased), "it was untill such time as two men, whom they took to be constables, went past," after which they concealed it between the rocks. Now, in such case, men would turn aside into any man's yard, and the more respectable he was the more they would be sheltered from suspicion. This testimony of Wm. Wright is no more than what his brother had told him ; but it accords exactly with Henry Kable's evidence of the message which Nichols sent to him and his conversation with Nichols afterwards. And John Wm. Lancashire deposes that he heard the servant tell the prisoner, his master, of the tobacco being brought into the yard, and the concomitant circumstances, and that he carried the message, agreeing exactly with Kable and Wright.

Dissecting
the evi-
dence.

On closing this evidence of Richard Baylis, we have one testimony for any part of it that we can believe. But in what quality does this witness come forward ? By his own confession he was an accomplice in this and a previous robbery of Mrs. Mullet, and, if I recollect right, in the first robbery also. He was admitted as a King's evidence—as a man who saves his own life by impeaching others ! Such is the light in which this deponent and his evidence appeared to me, and such is the deponent and the evidence upon which this prosecution principally rests.

Character
of the
informer.

Passing over the evidence of James Mansfield, as being too vague and uncertain to draw any conclusion from, I will proceed to examine the most material hearsay evidence. That of James Remnant has no relation to the prisoner Nichols ; but it serves to contradict Joseph Taylor, for he swears to have received a certain message from Taylor, to be delivered to Richard Baylis, at Toon-gabbe, which message Taylor denies giving to him. But Baylis acknowledged to have received such a message, although it does not appear in the minutes of the Court.

Hearsay
evidence.

Of Joseph Taylor's evidence, besides the above contradiction, I would ask whether it is at all probable that the chief overseer, let his principles be what they might, should address a man of such character as this evidence in the open street, without any reserve or cautionary preface, upon a subject that so nearly concerned his liberty and property ? At the same time, let it be

Credibility
of Taylor's
evidence.

- 1799
21 Feb. and whose character was never blemished until that unfortunate period of my life I made the breach. That your Excellency's petitioner lived with Mr. Robert Williams, banker, in Birchin-lane, London (an uncle to your petitioner), for some considerable time as cash clerk, and, prior to that, captain's clerk on board the *Mars*, 74, Sir Ch's Cotton, com'dr, but owing to an ill state of health was necessitated to quit the service; besides many other situations equally great in the Navy, &c., where opportunities have offered (had my inclination been that way) to have committed forgeries for so many thousands of pounds instead of shillings, for which I am now unfortunately committed.
- Twice convicted. That your petitioner begs leave to inform your Excellency that this is the second time only of his ever been tried in a Court of Justice, the first of which caused your petitioner seven years' transportation; but the second (and last)—more dreadful than the former—sentenced for death. Oh! horrid name, and still more horrid the further stain upon my distant and unhappy friends.
- Asks for mercy. That your Excellency's petitioner, conscious of the humane philanthropy you are endowed with and the gracious mercy you have shewn towards the unfortunate in a like situation, most humbly beg that you will be pleas'd to take the prayers of a dying youth into your humane consideration and be pleas'd to examine the minutes of my trial, where your Excellency (I trust to the Almighty) will find something favourable in my behalf that my life might be spared and not cut off in the blooming flower of youth.
- Protests his innocence. That your petitioner would not presume to vindicate his cause after conviction did he know himself any way guilty, but beg leave to assure your Excellency that the charge for which he is convicted he is innocent of. That would any man of a reasonable understanding indorse his own name on the back of a forged note had he known it to have been so? That after being given to understand by Chs. Davis (when I shew him the bill) that Mr. Stockdale spell'd his name with a double ll, instead of the single one then on the bill, I was not willing to part with the bill entirely until I had seen Mr. Stockdale to have shewn him the bill, as your Excellency will find by my trial that I enquired of his own shepherd when he was coming up; that he informed me in the morning; for that reason I did not wish to pay it away. This happened on the Friday evening, and on Sunday I was made prisoner, tried on the day following, and received the dreadful sentence of death—all in twenty-four hours. Had I an idea of anything but that my innocence would have acquitted me, I would have endeavoured to have postpon'd my trial, that I might have had an opportunity of bringing the Lascar forward, which, I declare to my God, I had the note off in exchange.
- A forged bill.
- A hurried trial. And I further beg leave to assure your Excellency that the prejudice that as been borne against me was so great that whatever

had been favourable in my behalf I could expect no other sentence than what I have received. Had I not have come forward on Capt'n. Cameron's business, and not have troubled the comp'y of comedians (soldiers) for money, for my painting the scenery, I should hope to have received a far different sentence to what I have now.

1799

21 Feb.

A scenic
artist.

Your Excellency's petitioner would not presume to excite your attention and perusal longer than necessity dictates; but the horrid sentence I am under compels me to humbly beg that your Excellency will be pleased to give ear unto my prayer, and in pity to my youth, my unhappy parents and friends, and the many censures I labor under, to spare me my life—my life, I ask—as the prayer of a dying youth, now waiting that moment, which is in your Excellency's most gracious power, and whose mercy have been extended to the unfortunate, who, I hope, is now making bright and flourishing men. Oh! may the Almighty inspire into your mind this my last and greatest request. Take thy life, and may the remainder of thy days prove more happier than the former have miserable and unfortunate.

Hunter's
leniency.

Ever would I return fervent prayers to the Almighty—adore my Creator—do to all men as I would wish to be done unto; thus become a member beneficial to society, and, as in duty bound, will ever pray.*

I beg, &c.,

JOHN WILLIAM LANCASHIRE.

Sydney Joal, April 2nd, 1799.

[Enclosure No. 8.]

REV. R. JOHNSON TO GOVERNOR HUNTER.

Hon'd and Dear Sir,

Sydney, 24th April, 1799.

Understanding that my name has been mentioned in two letters—one in a letter from Lancashire to a member of the Court before whom he had been tried; and in another† which I saw Nichols addressed to the members of a Court of Inquiry convened for the purpose of investigating the truth or falsehood of certain reports at that time in circulation, and which, if founded in truth, were highly material to the prisoner Nichols, who had been convicted before the Criminal Court just then dissolved,—I beg leave to acquaint you with the business to which Nichols in that letter alludes.

The
chaplain's
account of
the attempt
to secure a
confession.

I was called upon by Captain McArthur, and by him informed that Lancashire either had made, or was about to make, a confession to Mr. Bond, relative to the evidence he had given upon the trial of Nichols, and desired me officially, as chaplain, to go with him and to take down his confession. After some little

* Hunter granted this petition. See footnotes on pp. 583, 601, ante.

† Post, p. 620.

‡ Ante, p. 616.

EWS remembered that Joseph Taylor himself acknowledged, although it does not appear in the minutes, that he was not at all intimate with, or in the habit of speaking to, the prisoner, Isaac Nichols, and particularly that he never had exchanged a word with him upon the subject in question before he met him in the open street, as described in the evidence. I cannot pay attention to any part of this man's testimony.

To the depositions of James Lacey and Richard Broomfield, I oppose that of Samuel Sparks, James Fealon, and Thomas Colley, and think them sufficiently answered: premising that the members of the Court that tried Morris believed that Lacey was certainly the suborner of the false witnesses on that occasion.

The hang-
man's evi-
dence.

In speaking of the evidence of William Johnson, the executioner, I would observe that Samuel Wright must have had great enmity to the prisoner, if we are to believe the evidence for the prosecution: for it should seem he considered Nichols as the principal cause of his untimely end. This being the case, would he not, by deposition before a magistrate, endeavour to gratify his revenge, especially when that and the cause of justice so exactly coincided. But no, a man to whom it would be of little use to tell it,—one whom the very situation he holds, in this country at least, stamps as infamous,—comes forward and says he told it to me! It is to be observed that the clergyman, who is also a magistrate, was with the said Wright after the conversation with the executioner is said to have passed. A confession to this gentleman might have answered his purpose, but he never mentioned the name of Nichols. Can we believe that when he was in a few moments to suffer death, that if he had considered the enormity of Nichols's conduct as the original cause of his unhappy situation, and which at this time must have been very fresh in his memory, that he would not have mentioned it? It appeared to me too great an inconsistency at that time, and does so now.

The evidence of Joseph Wass and Hugh McDonald say nothing against the prisoner.

Evidence of
Captain
Macarthur
immaterial.

Captain John MacArthur relates a conversation with his servant, Thomas Smith, which no doubt took place. Admitting even that William Wright really did say to Thomas Smith what the latter deposes upon oath he did,—what purpose does it answer! William Wright was not upon oath when he said it; and if he had said the same thing before the Court itself, under the same circumstances, he would not have been believed! But the same Wright upon his oath declares that his brother, on being asked, denied that Nichols owed him anything, or ever had anything of him. But what weighed more with me was the debts owing to the deceased; one of which was for Brazil tobacco, acquired (there can be little doubt) by the same means as that which Nichols is said to have bought. But no mention is made of any

debt owing to him from the latter, although the executioner says that of Henry Kable as to the information the latter received from Nichols ; but he seems to have understood it as descending more into particulars than it really did.

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The testimony of William Balmain, Esq., nearly corroborates that of Henry Kable as to the information the latter received from Nichols ; but he seems to have understood it as descending more into particulars than it really did.

The evidences to the character of the prisoner were good, and spoke highly of him. On considering how trifling the profit in retailing this tobacco would have been, when put in competition with his liberty, his property, and fair prospects ; that there was but one evidence to the fact ; that this evidence was in the worst of all situations for claiming credit to his storey, and that the storey itself was inconsistent. I could not possibly find him guilty, more especially when the testimonies intended to corroborate it were only hearsay, some of which was twice, and, in one instance, three times removed from the original speaker ; that, independent of being hearsay, it abounded with incongruities, was contradicted in some cases by opposite evidence, and the storey in toto by the probability of the case ; for I certainly think that the testimony of his neighbours do away the likelihood of his having been concerned long enough as a receiver to have made it worth the risk. Upon these circumstances and considerations it was that I acquitted Isaac Nichols of the charges brought against him.

Evidence concerning Nichols's character.

The question of credibility.

On a careful perusal of the minutes of the Court I have the satisfaction of discovering an additional circumstance in favour of the prisoner's innocence, which may perhaps be more satisfactory still. The time that the tobacco was found by Henry Kable, the constable, makes it next to an impossibility that the prisoner could have conveyed it between the rocks. As far as can be selected from the times in Richard Baylis's evidence, and taking no notice of two Sundays coming together, the storey he means to tell is that the tobacco was stolen on the Saturday night or Sunday morning, and that soon after daybreak on the same morning the witness had wheeled it to Isaac Nichols's. In the course of the day he was taken into custody on suspicion, and on the next morning, or Monday, was liberated. On the same Monday, in the evening, he was informed that it was hid between the rocks, from whence we are to infer that on Sunday night some time the prisoner had hid, or caused to be hid, the tobacco in question. But it was found an hour and a half before sunset on Sunday evening ; consequently must have been carried there very early in the morning, for we cannot suppose that any man would carry such a thing about to hide in the middle of the day, and on that very day when the hue and cry was out after it. Nichols, therefore, certainly could not have placed it where it was found. But how exactly it accords with the testimony of William Wright and Lancashire—that when

A circumstance in Nichols's favour.

Contradictory nature of Baylis's evidence.

228 The witnesses were sent they brought it out of Nichols's yard and
 22 Feb. suspended it there.

The circumstance of James Mansfield seeing a basket of tobacco
 in the prisoner is easily accounted for by Henry Kable.

and
 names.

As I have spoken of some circumstances that do not appear in
 the minutes of the Court, it may not be amiss to inform your
 Excellency that I have delivered in a paper to the Judge-Advocate
 setting these circumstances out: and as I much doubt whether
 it will be attended to the minutes, and my notes upon some parts
 of the evidence would, in consequence, be inadmissible, I send your
 Excellency the following copy.

I am, &c.,

MATTW. FLINDERS.

ADDITIONAL NOTES BY LIEUTENANT FLINDERS.

4th May, 1799.

Flinders and On examining the minutes of the Criminal Court that tried Isaac
 Waterhouse. Nobbs, &c. Mr. Flinders makes the following remarks on them,
 and on showing them to Captain Waterhouse he agrees to their
 truth, and that they ought to be made known to Richard Dore,
 Esq. Judge-Advocate.

Trial of
Richard
Verior

Extract from the trial of Richard Verior and others:—"The
 Court declared to the prisoner Verior that it was [with] regret
 they acquitted a character so implicated in guilt, but the insuffi-
 ciency of evidence did not warrant a different verdict according to
 law. To the best of my recollection the Court declared nothing
 to the prisoner Venner but that he was acquitted. They did,
 indeed, privately talk of his guilt, and few seemed to doubt his
 having some knowledge of the robbery. I am uncertain whether
 the Court desired the Judge-Advocate to say anything of this
 nature, but certainly it never was said.

Evidence of
Joseph
Taylor un-
reliable.

It appears in the evidence of James Remnant that he delivered
 a certain message to Richard Baylis at Toongabbe, which he was
 desired to do by Joseph Taylor. In the evidence of the said
 Joseph Taylor it is denied that such a message was sent. But it
 does not appear in the minutes of the Court that Richard Baylis
 acknowledged to have received that same message, which he
 certainly did acknowledge. To the best of my recollection he
 was called into Court a second time and asked that question, the
 Court having perceived the disagreement between Remnant and
 Taylor. This circumstance is the more material as, in my opinion,
 it served in a great measure to do away the evidence of the afore-
 said Joseph Taylor.

An omission.

Another circumstance also appeared in the evidence of this
 witness Taylor, which I do not find taken notice of in the minutes
 of the Court. He acknowledged to questions by the Court that
 he was not at all intimate with, or in the habit of speaking to,

Nichols, and particularly that he never had exchanged a word with him before upon the subject in question till he met him in the street, as described in the evidence. This destroyed the probability of Taylor's evidence, in my opinion, and perhaps of others ; therefore it is material.

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LIEUTENANT KENT ON THE TRIAL.

OBSERVATIONS on the trial of Isaac Nicholls, principal overseer of the gangs of labourers for carrying on the public works in the town of Sydney, under the direction of Captain George Johnson, aid-de-camp to his Excellency John Hunter, Esqr., Captain-General and Governor-in-Chief, &c., &c., by Lieutenant William Kent, Commander of his Majesty's ship Supply, one of the members who voted the prisoner not guilty. Kent's observations.

In the four indictments preferred against the prisoner he is called a labourer. I have never known him, during the three years and upwards I have been in this country, in a situation that could authorize classing him among the lower order of the people ; he has ever appear'd to me a respectable man in a respectable situation. Nichols not a labourer.

Richard Baylis (the evidence admitted on the part of the Crown) is a youth of uncommon bad character, constantly engaged in some degree in robberies, and in the habit of continually living in places frequented by housebreakers, &c., and whilst in Sydney he generally resided in the dwelling of Joseph Taylor, which is well known to be a place of bad fame. Character of the chief witness for the Crown.

In the deposition of this Baylis, upon the trial of Collins, Vandenstein, and Chandler, it appears Mrs. Mullett's house was broke open on the Saturday night, or early on Sunday morning, and a quantity of tobacco stolen from thence ; that Richard Baylis (by the direction of Samuel Wright, one of the thieves some time ago executed for robbing the house of Simeon Lord in this town) took one of the baskets of tobacco on a wheelbarrow, and convey'd it, about five o'clock on the Sunday morning, to the house of the prisoner, Isaac Nicholls, where he inquired of the servant for his master, who called him downstairs ; Nicholls asked Baylis where Samuel Wright was, and during this conversation Wright came in ; that Nicholls and Wright conversed together ; that the witness heard Nicholls tell Wright if he would come in the evening he would pay him for the tobacco. By the desire of Nicholls the witness deposited the tobacco in the right-hand room in the house. When this was done Nicholls's servant desired Baylis to leave the wheelbarrow and call for it again, lest there should be any suspicion about the tobacco. A few hours after he call'd for the wheelbarrow, and was told by Nicholls's woman he had better Circumstances of the robbery.
Baylis's account.

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Evidence of
James Mans-
field.

I shall now commence with the different evidences in support of the prosecution.

James Mansfield, a seaman belonging to his Majesty's ship *Reliance*, swears he saw a man carrying a basket suppos'd to contain tobacco on the Sunday evening up the rocks. It will be necessary here to elucidate this man's evidence, altho' he does not mention Nicholls's name. H. Kable, the chief constable, found the tobacco about four o'clock on the Sunday afternoon (it was stole that morning), and plac'd a constable to watch it, for the purpose of detecting the person who should come to fetch it away, which constable was so negligent of his duty as to admit a man who by chance saw it to take it away without his observing him. H. Kable, finding the tobacco gone without any person being detected, went immediately in quest of it, and found it in a house on the rocks. Fearing a reprimand for negligence, he gave this man a bottle of spirits to return it, and it was again placed for the purpose of detection. The person who by chance saw it and remov'd it must have been the person whom Mansfield saw.

Statement
by the chief
constable.

Henry Kable, the chief constable and the next evidence, swears he was sent for by Nicholls, and acquainted by him that two men had come to his house early that morning and wanted his servant to lodge some tobacco for them, which he refused to do, but directed them to a public warehouse, but on their leaving the house they took a different direction (and that towards where the tobacco was found), which circumstance, and hearing of the robbery, made him send for Kable and give him this information.

A discrep-
ancy.

Jas. Remnant swears he deliver'd a message from a man (Jos. Taylor) to Baylis, concerning Nicholls—which Taylor after this swears he never sent, but which Baylis acknowledg's to have received ; it is evident one of them must be perjurd.

Evidence of
Joseph
Taylor.

Joseph Taylor, the following evidence, besid's denying having sent the message, swears that Baylis had related to him nearly what he had depos'd to in the Court, with this addition, that Nicholls, without any previous acquaintance, connection, or conversation, came up to Taylor in the middle of the street at noon-day, and ask'd him (Taylor) if he thought Baylis was staunch, for if he was no harm could happen to him (Nicholls). I think it very improbable that any man in his senses, guilty of the crime of which Nicholls is charg'd, would lay himself so open to a stranger, and in that abrupt manner—nay, to a friend ; he must have had great confidence in him.

Importance
of character
in weighing
evidence.

I must here again advert to character, for in a colony of this kind, compos'd of men who had forfeited, many their lives, all their liberties to the injur'd laws of their country ; amongst whom perjury is not consider'd as a crime, but has been here in some instances a source of gain ; I have therefore always consider'd it as necessary to pay as much attention to the general character

Nicholls's house to the two rocks where the tobacco was found but on the main road, by the hospital and other public and private buildings, along which many people must have been passing and repassing. I therefore say it was utterly impossible for a person of Nicholls's respectable appearance between five o'clock in the morning and two hours before sunset to carry so bulky an article as a basket of Brazil tobacco along the road without being particularly observed.

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21 Feb.

Improbability of Nichols having secreted the tobacco.

(Lieutenant Kent then proceeds to comment upon the various other evidences offered, substantially to the same effect as Capt. Waterhouse and Mr. Flinders. He concludes in these words :—)

The only evidence who pretends to speak from his own knowledge on the part of the prosecution against Isaac Nicholls is Richard Baylis, who was deeply concerned in the robbery himself, and acted under the influence of fear, as appears by his answer to the ninth question put to him by the prisoner.

Baylis the only direct evidence.

The rest of the evidence is hearsay, some from a second, and even from a third hand; and much surprized am I they should have been taken and put upon the minutes of the Court. It is unnecessary for me, I conceive, to make any observations on the prisoner's defence, or the evidence he brought forward in support of it. I voted the prisoner, Isaac Nicholls, not guilty from the most perfect conviction of his innocence; and if it had appear'd to me there was a chance of his guilt, I should still have doubted there being sufficient legal evidence to convict.

Hearsay evidence improperly admitted.

These few observations are humbly and respectfully submitted to his Excellency Governor Hunter by his most obedient, humble, and devoted servant,

W. KENT.

UNDER SECRETARY KING TO THE TRANSPORT COMMISSIONERS.

Gentlemen,

Whitehall, 23rd February, 1799.

23 Feb.

The Duke of Portland finding that some time will elapse before the Porpoise can sail for New South Wales, and his Grace understanding that there is a fast-sailing whaler called the Walker fitting in the river to carry stores to that colony, which has been taken up by the Board for that purpose, I am directed to desire that, exclusive of the articles which the Walker is to carry out, you will be pleased to give the necessary orders that the persons as per margin,* with about eight tons of baggage, be received on board the Walker for a passage to New South Wales, to be properly accommodated, and the master of the ship to be furnished with a sufficiency of provisions for the above persons from the Comm'r's of Victualling, at the ration issued to the Navy, for seven months, any remains to be returned to the stores at Port Jackson,

The Walker.

Passengers for Sydney.

* "Lt.-Govr. King, Mrs. King, Philip King, Elizh. King, Jane Dundas, Ja. Naires, J. Cayley, Rev. W. Haddock." Lieutenant-Governor King did not embark on the Walker. He, with his family, Caley the botanist, and others, sailed in the transport Speedy, arriving at Sydney on 15th April, 1800.

1799

24 March.

Barrack
utensils and
furniture.Distribution
thereof.Appoint-
ment of an
aide-de-
camp.Captain
Johnstone.

With respect to there being no regulation in regard to barrack utensils and furniture for the military doing duty in that settlement, his Grace is of opinion that it would be advisable that his Royal Highness should be moved, previous to Lieut.-Colonel Paterson's departure, to order him to confer with the Barrack-master-General on this subject, in order that a regular list or statement may be formed of the utensils and furniture which at stated periods may have been or may be necessary for the New South Wales Corps, upon its present establishment, and that such articles may be accordingly from time to time sent from hence by order of the Barrack-master-General. In doing this the Duke of Portland concludes that his Royal Highness will deem it necessary that the Barrack-master-General should be instructed to consider whether the articles in question may not be deposited under proper custody in the settlement, and distributed under the direction of the Commander-in-Chief, without having recourse to any additional establishment, which it would be extremely desirable to avoid.

With respect to the appointment of an aide-de-camp, altho' his Grace is of opinion that it would be of service in the government of so distant and so peculiarly circumstanced a colony, and where, upon that account, the Governor is vested with extraordinary powers, that his establishment should carry at all times a military appearance, yet if his Royal Highness conceives there are any material objections to such an appointment, it by no means appears to his Grace so necessary as absolutely to require its being continued. As to the question of what rank the officer may be who is to be appointed aide-de-camp, his Grace submits it entirely to his Royal Highness.

Inclosed I am directed by the Duke of Portland to transmit, for the more particular information of his Royal Highness, an extract of a letter from Governor Hunter, in consequence of his having appointed an aide-de-camp, together with an extract of one from his Grace in answer thereto, so far as relates to that question.*

I am, &c.,

J. KING.

SIR JOSEPH BANKS TO THE NAVY BOARD. (Banks Papers.)

25 March.

Purchasing
boring-tools.

Honorables Gentlemen,

25th March, 1799.

On the receipt of your letter, which came to my hands on Friday evening, I immediately sent for Mr. Wapshot, the only person resident in London who makes boring-rods. I purpose, if you approve, to purchase from him one set, and to provide another, if found necessary, in some part of England where coal-

* Hunter appointed Captain George Johnstone.—See Government and General Order, 17th September, 1796, ante, p. 137; Hunter to Portland, 12th November, 1796, ante, p. 176; and Portland's reply, 18th September, 1798, ante, p. 490.

only the ability to raise small crops are refused, and consequently are obliged to sell their produce to hucksters at the low rate above mentioned. 1799 20 Feb.

This is the substance of the communications which have been made to me, and although, as I have already told you, I cannot believe them to be generally well-founded, and, least of all, that you yourself have any participation in these malversations, yet that the practice of them should in any degree be imputed to your Government is a circumstance which gives me great pain and uneasiness, more particularly when I advert to the very strong and specific instructions which were given you on your going to your Government, with a view to prevent the possible existence of most of the evils above mentioned; and that, moreover, you have from time to time received further directions for enforcing them to the utmost of your power. Impressions created by the charges.

If those instructions and directions have been attended to, many of the charges above mentioned cannot exist. Moreover, without reference to those charges, I must observe that the operation of those instructions could not but have a most salutary effect in providing in a great degree for the subsistence of the settlement, and I cannot, therefore, but observe with surprise the great amount of the bills which have been drawn by you for expences, of which a considerable portion ought to have been defrayed by the labour of the convicts belonging to the Crown had they been employed conformably to those instructions, and that those bills have been sent over unaccompanied by the proper vouchers, wherein you must be sensible that you have rendered yourself personally answerable until those accounts are passed by the proper departments which are competent to that service. It behoves you, therefore, to lose no time in putting these accounts into a proper train to be settled; and it is no less material, and I cannot too strongly impress upon you the duty and necessity of satisfying me of the falsehood or futility of the charges which have been made against you by furnishing me, without delay, with such Public Orders that have been issued by you as contain the regulations under which grain has been received into the public stores, by which I am persuaded it will appear that the market has been left as open as possible to every description of settler. Expense of the settlement. A refutation of the charges required.

You will also transmit to me copies of such other public documents touching the established regulations of your Government as will refute the other assertions which have been made to your injury.

And with respect to the officers being allowed to sell or retail spirits or other articles (exclusive of the produce of the land or ground allotted to them) as above stated, it is so utterly incon- Officers as traders.

1799
26 Feb. sistent with their professional character, and with the duties annexed to it, that I cannot allow myself to suppose that you can have let a suspicion of it remain unsatisfied. But, should your tenderness for the profession have so far prevailed as to have induced you to suspend the investigation of it, I desire that no further time may be lost, and that you will immediately proceed to institute an inquiry, in the course of which, if it should be proved by the deposition of creditable witnesses that any officer has transgressed in this respect, you will take the first opportunity of sending him home, together with evidence in proof of the charges, to be laid before the Commander-in-Chief, to whom I shall not fail to communicate a copy of this dispatch.

An inquiry
to be held.

I am, &c.,

PORTLAND.

P.S.—I take this opportunity of informing you that his Majesty has been graciously pleased to appoint Lieutenant-Governor King to succeed you in your Government in case the same shall become vacant by your death or absence.—P.

Lieutenant-
Governor
King.

GOVERNMENT AND GENERAL ORDER.

28 Feb.

28th February, 1799.

Private
stills.

Officers to
aid in sup-
pression and
detection of
stills.

THE Governor having received information from various quarters that, in direct disobedience of Public Orders, and in defiance of the consequences of detection, several persons in different parts of this colony have taken the liberty of erecting stills* and providing materials for the purpose of distilling spirituous liquors. As it is well known to the whole colony that this destructive practice has long been forbidden in this settlement, and under the immediate authority of every officer who has commanded in it, it is scarcely necessary to say more on the subject than to call on the aid and exertion of the whole body of officers, whether civil, military, or naval, in suppressing it; and to desire that wherever they may understand it continues to be carried on, or attempted, they may use every means in their power to detect the guilty person, and to seize or destroy the utensils they may have provided for a purpose so certainly calculated to ruin the present healthy state of the inhabitants of this territory. All constables, watchmen, and other persons are hereby strictly enjoined, wherever they may have cause to suspect this hidden trade is carried on, to make the same known to any magistrate or other officer, in order that steps be regularly pursued for bringing any opposition to these Orders to proof. If those persons who shall presume to carry on this noxious work after this information do happen to be free people, every

* An order of similar purport was issued by Hunter on 23rd January, 1796 (ante, p. 10), of which the Duke of Portland expressed his approval (ante, p. 196).

indulgence they may have hitherto received from Government shall be immediately withdrawn, and they shall be ordered to quit this colony by the earliest opportunity. If a convict, they will receive such treatment for their disobedience as their conduct, in the opinion of a Court, may appear to merit.

1799

28 Feb.

Penalties.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

5th March, 1799.

5 March.

Parole—Brilliant.

Countersign—Victory.

THE Governor having received by the ship Rebecca, from the Cape Good Hope, authentic information of another most brilliant victory gained by the British fleet, under the command of that distinguished officer Admiral Sir Horatio Nelson, over that of the French, off Alexandria, in the Mediterranean, he has, therefore, believing that such intelligence would be highly gratifying to the inhabitants of this colony in general, thought proper to give a few of the circumstances of that glorious event in the Public Orderly Book. The battle was fought on the 1st, 2nd, and 3rd days of August last. The French were superior in the size of their ships and number of guns. They had been employed in transporting the French army, under General Buonaparte, into Egypt, which country they intended to conquer; but have received some severe checks from the Turks and Arabs, and are now much divided and discontented. The defeat and capture of their fleet occasioned the total destruction of all their transports, so that they are now cut off from any retreat into France.

Aboukir Bay.

Particulars of the battle.

Nine sail of the line were taken, two sail were blown up, and two sail only made their escape.

It is also confidently asserted at the Cape that the French had landed in Ireland ten thousand men; that they had been completely cut off by the Marquis Cornwallis, who, it is probable from this account, is commander-in-chief of the army in Ireland.

Ordered to fire from the battery a royal salute.

JNO. HUNTER.

THE HORSE GUARDS TO LIEUTENANT-COLONEL PATERSON.

Sir,

Horse Guards, 6th March, 1799.

6 March.

The Duke of Portland having stated to the Commander-in-Chief that the most serious representations have been made to his Grace of the abuses which are practiced and countenanced by the officers of the New South Wales Corps, who, among other instances of impropriety, are stated to be in the habit of purchasing spirits and other articles in New South Wales and retailing them at the

The traffic in spirits.

1799 and to be afterwards regularly entered in a proper book for that purpose. Copies of these returns, attested by the Governor for the time being, are to be transmitted half-yearly to this office, with duplicates to the Committee of Privy Council for Trade and Foreign Plantations.

Port regulations.

In order that such returns may be perfectly correct, no vessel is to be allowed to land any article or to break bulk before the return of such vessel and of her cargo is filled up in conformity to the mode prescribed, and properly attested by the master

This measure will be of the greatest use in preventing the importation of spirits without your licence first obtained for that purpose, and will afford you the opportunity of regulating both the entries and sales of such articles as shall be allowed to be imported into the colony, in such a manner as to prevent all monopoly, and afford the inhabitants an opportunity of purchasing the same at a fair and reasonable price. I am, &c.,

PORTLAND.

G. CALEY TO SIR JOSEPH BANKS. (Banks Papers.)

Sir Joseph,

Portsea, 10th April, 1799.

Caley's financial difficulties.

By being detained so long causes me to trouble you with a letter that is not agreeable to my mind. What money I had preserved as thinking would be sufficient for to supply such wants as might occur when having left England has been exhausted here, though I have been favored with victuals by Govr. King, for which I have done some trifling matters. After reckoning up the expense of lodgings and other occurrences, I could live as cheap at Chelsea and purchase everything. Indeed, I look upon Portsmouth as a watering-place, where they make the summer provide for the winter; that is, it not being a place of much traffic in the time of peace, the deficiency is made up in war-time.

He desires to visit Chelsea.

Having now heard that the whaler is unlucky, as well as the Porpoise, and that it is likely to be a considerable time before we set sail, I should like to return again to Chelsea, if it was but for a fortnight or three weeks. My reasons for it are thus: As I do not follow botany with an intent of enriching myself by it any farther than to procure an *hortus siccus* and to satisfy an inquisitive mind. By remaining here I lose the opportunity of getting an immense number of specimens that I could not obtain during the time I was in the vicinity of London before; knowing that whenever I return home my livelihood depends upon the employment that I was first taught, by which I lose the opportunity of gaining such exotic specimens as the present time admits of, which is a galling matter. If I was solely inclined to gain my livelihood by being a botanical traveller, I should lose that eagerness which at the present prevails. Therefore, while I am from

Object of his visit.

carried into effect by the cloathing and some other articles lately sent out being to be disposed of to those who do not labour for the publick benefit, or who receive salaries from the Crown, instead of being given away, which has hitherto been the case. 1799
8 March.

For many years there will be a want of certain stores and other articles of real utility to the inhabitants, which can only be supplied from England; nor can it be thought unreasonable that the publick should be remunerated for that expence when bestowed on those who receive payment for their services, or that class which does not benefit the publick by their labour. Private persons should pay for stores.

And that those supplies should be constant, and turned to a beneficial account, both for the interest of the publick and the colonist, in reducing the publick expences, reconciling the inhabitants to their situation, destroying the imposing and oppressive monopolys that have existed (whereby the industrious individual has been driven from ease and comfort to indigence and misery), and removing those animosities that have so much prevailed. On those grounds I beg, sir, to submit the enclosures to your consideration, the one containing such regulations as I do not doubt will be fully sufficient, and the other a list of such articles to be sent out yearly as would be productive of much good to the colony and interest to the Crown, by being disposed of to individuals for their personal use. King's scheme for establishing a Government storehouse.

And as those articles ought to be kept apart and distinct from the stores and clothing sent for the convicts at public labour, I beg to suggest the propriety of any cloathing in future sent for the use of such convicts being of a different quality and colour to that sent out for sale, which would be attended with many advantages; and altho' a liberal supply of many articles has been sent out during the last two years for the public use of the colony, I beg to add a third list of such articles as I conceive the colony may need in another year. A distinctive clothing for the convicts.

Great inconveniences have occurred by the want of some circulating medium which has never existed in the colony.* How far it would be proper to grant the convenience of a few tons of The coinage.

* This suggestion of Lieutenant-Governor King was acted upon. On the 12th April, 1799, the Duke of Portland informed Governor Hunter that he would receive by the Porpoise about four tons of copper coins (value 1d. each), total value £550 (post, pp. 655, 656). By Proclamation of 19th November, 1800, Governor King announced the receipt of these copper coins. They were described in the Proclamation as weighing one English ounce each, stamped with the profile of his Majesty on the one side and of Britannia on the other. Each coin was to be issued at the rate of twopence; and it was notified that the exportation of any sum exceeding five pounds of this copper coinage would be punished by a fine of treble the value and forfeiture of the sum exported. The coin was evidently the one penny of George III. This was not the first shipment of coin received from England. In November, 1792, the Kitty arrived with 3,870 ounces of silver in dollars, valued at £1,001 (Collins, vol. i, p. 246). Hunter (10th November, 1799) suggested that a supply of silver coin should also be sent (post, p. 740).

1799 frame a suitable ordinance for preventing such an offence, subject-
 12 April. ing all defaulters, as well the parties receiving as those disposing
 of them for exportation, to severe penalties.*

I am, &c.,

PORTLAND.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

22 April.

Dear Sir,

Portsea, 22nd April, 1799.

P. G. King's
 health.

It was my intention to have written you last Sunday. (the day after my return), but from the unfortunate effects of lying in a damp bed, on the road, I was revisited by a relapse of my late fit; but, thank God, I am now not only on my legs, but getting strength fast.

Caley walks
 to London.

In consequence of a letter from you, Cayley seemed desirous of going to London, and as he had my leave, as far as that would go, he set off from hence on Sunday morning to walk; indeed, I believe if he had not that jaunt he would have died of *cham*. I think he has a good ten days to go upon from this time. The Porpoise is nearly ready to go out of harbour. The Lancaster, Sir Roger Curtis's ship, came out of dock yesterday; therefore I conclude she will be at Spithead about next Saturday, and will be ready by the middle of the following week, and if not ordered to wait for the remaining Indiamen, will, in all probability, sail immediately; however, Cayley will have timely notice to resume his pedestrian journey. Just before I left town I wrote a line saying how much displeased the people at the Transport Board were at their Lady Nelson being taken away, and their proposing the building another of eighty tons, which will be all the better from the increased size.

The Lady
 Nelson.

The garden.

Everything in the garden, Sutor tells, makes a very thriving appearance (except the tender things that died), as it all throws out leaves, and not a root has missed. This, I am sure, you will be glad to hear. I beg most sincerely for a term being put to our anxious situation. I really look back with no degree of temper at the time I have been in a state of almost daily expectation of sailing—now eight months!!! I sincerely hope, sir, that you continue a good state of health, and am, &c.,

PHILIP GIDLEY KING.

THE DUKE OF PORTLAND TO THE BOARD OF ORDNANCE.

Gentlemen,

Whitehall, 26th April, 1799.

26 April.

Ordnance
 and
 ammunition
 for the
 colony.

It being judged expedient that four iron guns, twelve-pounders, mounted on garrison carriages, properly prepared to resist the effects of the climate, with a small proportion of shot, ammunition, and stores, should be provided and shipped for the

* The coins arrived in November, 1800, when King was in charge, and he prohibited, by Proclamation, their exportation under heavy penalty.

may indemnify the Crown for goods damaged, exclusive of the first advance, which is for freight, expenses, and losses by issuing in small quantities, and as soon as convenient after the arrival of such goods public notice should be given of the price at which these articles will be disposed of. 1799
8 March.

The store for the sale and exchange of these articles should not be opened but at stated periods, previous to which the Commissary should deliver a list to the Governor of articles wanted, for whom, and proposed mode of payment, and receive his directions, which he is strictly to comply with.

The Commissary should deliver to the Governor a signed return of the articles disposed of, and for what consideration at such periods as an issue may be made; also, an annual account thereof, specifying the receipt, issue, and remains, together with the produce thereof, either in money, grain, or animal food, signed by the Commissary, examined and approved by the Governor, should be sent to the Secretary of State, and duplicates to the Secretaries of his Majesty's Treasury, and to the Commissioners for auditing public accounts. In these annual accounts the persons supplied are to sign their names as vouchers for the expenditure. Accounts to
be kept and
returns
made out.

No article should be delivered unless the purchaser has lodged an equivalent in the public store or made payment in money (excepting in such cases where the Governor may judge necessary to grant that indulgence to any family that may be distressed until their crops are ripe or stock in a marketable state). No credit.

Officers, civil and military, and soldiers (on the requisition of the commanding officer) may be supplied with such articles as they may want for their personal use only, on making payment as above, or by bills on the colonial or regimental agents. Sales to
officers.

If any person should abuse this indulgence by procuring, by means of agents or in any other the most indirect manner, any greater quantity of these articles than comes to the share of an individual or family for the purpose of retailing it out again, every person so offending should be deprived of every future supply and otherwise dealt with as the offence may deserve. Penalty for
retailing
goods
purchased
from store.

If any person acting under the Commissary's directions do not comply with his orders, or are convicted of any improper conduct in the just discharge of their duty, the offender should be dismissed from his employment, and such other notice taken of the offence as the Governor may judge proper. Penalty for
misconduct.

As circumstances may occur wherein it may be necessary to use articles sent out for sale for the public service of the colony, in such cases the Commissary should not make that deviation without a written order from the Governor for that purpose.

1799 take away the tobacco, as the alarm about Mrs. Mullet's robbery
21 Feb. had spread, and the constables were in quest of the stolen tobacco and property. Baylis replied he would call for it in the evening. He took away the wheelbarrow, and as he was returning there with he met the prisoner Nicholls near the gaol, who asked him where Samuel Wright was, to which he replied he was coming down Sydney with one Jack Colly. He took the wheelbarrow home to Joseph Taylor, from whence he was taken into custody on suspicion of robbing Mrs. Mullett of the tobacco. Samuel Wright was also apprehended afterwards. The next morning (Sunday) he and Wright were discharged.

A discrepancy.

Movements of Baylis and Wright.

How this again comes to be Sunday is astonishing ! for here is positively two Sundays together without any intervening day, and related by the evidence circumstantially. On being discharged, as before stated, Baylis went to the house of Joseph Taylor, where he usually resided, when Taylor expressed his surprise at seeing him out of custody without a hearing. Baylis replied he thought it was a planned thing between Kable, the gaoler, and Nicholls, the prisoner, to detect them in their pursuits after the said tobacco, supposed to be planted. In the evening (being Monday) he, Baylis, with Wright, went together to the house of Isaac Nicholls, when the servant informed them Nicholls was not at home. In the course of the same evening they called again, when the servant informed them his master was at home, and accosted them thus : " Oh, you are come about the tobacco." The servant then went up to Nicholls, and brought a message from him, importing that the tobacco was placed between two rocks near the new house building for Mr. Moore, and if they chose to go for it they might. Baylis and Wright then quitted the house, and Baylis refused to go for it, saying he would not be hanged about it. Wright say'd he would go for it if he could get a boat, to which Baylis answer'd he was sure there were constables set to watch it. Baylis returned home to Taylor's house, and related what had passed, when Taylor observed to him that he thought it was as he mentioned, from the circumstance of their being released in the morning.

Baylis contradicts himself.

Richard Baylis, in his evidence, says the tobacco was taken to Nicholls's house at five o'clock on the Sunday morning, and on the evening of the same day (although he calls it Monday) he was told it was planted between two rocks, near Mr. Moore's house, by Nicholls's woman. It is worth observing by his own deposition at this time he was in prison.

At five o'clock in the morning at such season of the year at this place it is daylight. The dockyard is between the house of Isaac Nicholls and Mr. Moore's, and the fence of the dockyard runs into the water over the rocks on that side Sydney Cove, which rocks are steep to, so that there is no way of passing from

Nicholls's house to the two rocks where the tobacco was found but on the main road, by the hospital and other public and private buildings, along which many people must have been passing and repassing. I therefore say it was utterly impossible for a person of Nicholls's respectable appearance between five o'clock in the morning and two hours before sunset to carry so bulky an article as a basket of Brazil tobacco along the road without being particularly observed.

1799

21 Feb.

Improbability of Nichols having secreted the tobacco.

(Lieutenant Kent then proceeds to comment upon the various other evidences offered, substantially to the same effect as Capt. Waterhouse and Mr. Flinders. He concludes in these words :—)

The only evidence who pretends to speak from his own knowledge on the part of the prosecution against Isaac Nicholls is Richard Baylis, who was deeply concerned in the robbery himself, and acted under the influence of fear, as appears by his answer to the ninth question put to him by the prisoner.

Baylis the only direct evidence.

The rest of the evidence is hearsay, some from a second, and even from a third hand; and much surprized am I they should have been taken and put upon the minutes of the Court. It is unnecessary for me, I conceive, to make any observations on the prisoner's defence, or the evidence he brought forward in support of it. I voted the prisoner, Isaac Nicholls, not guilty from the most perfect conviction of his innocence; and if it had appear'd to me there was a chance of his guilt, I should still have doubted there being sufficient legal evidence to convict.

Hearsay evidence improperly admitted.

These few observations are humbly and respectfully submitted to his Excellency Governor Hunter by his most obedient, humble, and devoted servant,

W. KENT.

UNDER SECRETARY KING TO THE TRANSPORT COMMISSIONERS.

Gentlemen,

Whitehall, 23rd February, 1799.

23 Feb.

The Duke of Portland finding that some time will elapse before the Porpoise can sail for New South Wales, and his Grace understanding that there is a fast-sailing whaler called the Walker fitting in the river to carry stores to that colony, which has been taken up by the Board for that purpose, I am directed to desire that, exclusive of the articles which the Walker is to carry out, you will be pleased to give the necessary orders that the persons as per margin,* with about eight tons of baggage, be received on board the Walker for a passage to New South Wales, to be properly accommodated, and the master of the ship to be furnished with a sufficiency of provisions for the above persons from the Comm'r's of Victualling, at the ration issued to the Navy, for seven months, any remains to be returned to the stores at Port Jackson,

The Walker.

Passengers for Sydney.

* "Lt.-Govr. King, Mrs. King, Philip King, Ellzh. King, Jane Dundas, Js. Naires, J. Cayley, Rev. W. Haddock." Lieutenant-Governor King did not embark on the Walker. He, with his family, Caley the botanist, and others, sailed in the transport Speedy, arriving at Sydney on 15th April, 1800.

1799
12 March.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

77, St. George's Square, Portsea,
12th March, 1799.

Dear Sir,

As an opportunity has offered of writing to Sir Andrew Hamond, I have mentioned the subject of the plant-cabbin, in the following terms :—

The plant-cabbin on H.M.S. Porpoise.

The plants and the weather.

Sir Andrew Hamond.

“ In this place I beg to suggest an idea to your consideration (and in which I have consulted with Mr. Scott)* respecting the plant-cabbin. The great expence and trouble that has attended the collection of these plants, and the great utility they will be of, if carried safe to the colony, I am certain will be a sufficient apology for my troubling you again on this head. As the weight of the plant-cabbin, &c. (exclusive of the boxes), is only 14 cwt., and is not higher than the quarter railing, I beg to suggest letting the plant-cabbin remain ; and as no good weather can be expected until the ship is to the southward of Madeira, the plants might all be removed to the latticed births below the day before sailing from Spithead, and remain there until in about 29 or 30° north latitude. The weather will then be fine, and a competent idea may be formed of the propriety of replacing them again in the plant-cabbin on deck, where they might remain, if thought proper to remove them, till in latitude 30 S., or perhaps the increased stability of the ship would allow of their remaining all the way to the Cape, and on sailing from thence be put below again, which I should apprehend would go greatly towards insuring their arriving safe in the colony, as they will then have the benefit of the air in the warm climates and trade winds between those latitudes.”

How far it would be convenient or proper for you to back this application, I must submit to you ; but I believe Sir Andrew will make no difficulty in agreeing to it. The ship was lifted to-day for getting the false keel on. I omitted calling on Mr. Gilpin when I was last in town, but as I shall be in town in a fortnight, I will not then forget to bring it down.

I am, &c.,

PHILIP GIDLEY KING.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS

(Banks Papers.)

14 March.
A present.

Dear Sir,

Portsea, 14th March, 1799.

I received both your favors of the 11th and 12th, for which I am obliged to you. Souter [Suttor] received your benevolent present of the ten-pound note with much gratitude, and by yesterday's post I desired him to acknowledge it, and to forward a list of the plants that want replacing. If nothing unforeseen should occur, it is my intention to set off for London on Thursday next ;

* Mr. Scott was the master of H.M.S. Porpoise.

only the ability to raise small crops are refused, and consequently are obliged to sell their produce to hucksters at the low rate above mentioned. 1799
20 Feb.

This is the substance of the communications which have been made to me, and although, as I have already told you, I cannot believe them to be generally well-founded, and, least of all, that you yourself have any participation in these malversations, yet that the practice of them should in any degree be imputed to your Government is a circumstance which gives me great pain and uneasiness, more particularly when I advert to the very strong and specific instructions which were given you on your going to your Government, with a view to prevent the possible existence of most of the evils above mentioned; and that, moreover, you have from time to time received further directions for enforcing them to the utmost of your power. Impressions created by the charges.

If those instructions and directions have been attended to, many of the charges above mentioned cannot exist. Moreover, without reference to those charges, I must observe that the operation of those instructions could not but have a most salutary effect in providing in a great degree for the subsistence of the settlement, and I cannot, therefore, but observe with surprise the great amount of the bills which have been drawn by you for expences, of which a considerable portion ought to have been defrayed by the labour of the convicts belonging to the Crown had they been employed conformably to those instructions, and that those bills have been sent over unaccompanied by the proper vouchers, wherein you must be sensible that you have rendered yourself personally answerable until those accounts are passed by the proper departments which are competent to that service. It behoves you, therefore, to lose no time in putting these accounts into a proper train to be settled; and it is no less material, and I cannot too strongly impress upon you the duty and necessity of satisfying me of the falsehood or futility of the charges which have been made against you by furnishing me, without delay, with such Public Orders that have been issued by you as contain the regulations under which grain has been received into the public stores, by which I am persuaded it will appear that the market has been left as open as possible to every description of settler. Instructions dis-regarded.
Expense of the settlement.
A refutation of the charges required.

You will also transmit to me copies of such other public documents touching the established regulations of your Government as will refute the other assertions which have been made to your injury.

And with respect to the officers being allowed to sell or retail spirits or other articles (exclusive of the produce of the land or ground allotted to them) as above stated, it is so utterly incon- Officers as traders.

1799

80 A1 r.1.

throughout the whole proceedings, and, lest it should be imagined that we have given a verdict which we are ashamed to avow, to such an imputation, so injurious to our characters, we cannot tamely submit ; we therefore, without hesitation, declare to you, sir, that we, together with Mr. Dore, the Judge-Advocate, found Isaac Nichols guilty of the charge upon which he has been convicted ; and that we, together with Mr. Dore, sentenced him to be transported to Norfolk Island for fourteen years, and until the sentence could be carried into execution, to be employed as a prisoner in the gaol gang.

They
complain of
Hunter's
treatment in
reviewing
their
decision.

By so doing we feel that we have discharged our duty as men of honour, and men solemnly sworn to administer strict justice. Thus feeling, we may be pardoned for acquainting your Excellency that we think ourselves harshly and unjustly treated by the animadversions you have been pleased to make upon our verdict, and by the Court of Enquiry you have since instituted (which Court was unanimous in declaring the justness of our decision) to discover whether evidence favorable to Nichols had not been suppressed, or, rather, whether, as we and the publick generally conceive, the setting aside our verdict might not be justified. We also beg leave to inform your Excellency that, whatever animadversions may be made on our conduct, they will never deter us from the conscientious discharge of our duty, nor shall we be intimidated by fearing that our particular votes and opinions may be demanded by your Excellency.

A cause
celebre.

As, in consequence of your Excellency's animadversions on the proceedings of the trial of Isaac Nichols, and also of the convening of the Court which assembled on Monday last, the trial of Isaac Nichols has become the topic of general conversation, we therefore hope your Excellency will pardon us in requesting that you will do us the justice to transmit to his Majesty's Secretary of State, not only the minutes of the trial of Isaac Nichols, as taken before the Criminal Court, but also those of the late Court of Enquiry, together with this letter, and all the other papers that have or may in any way relate to that transaction.

The
executive
and the
judicial
powers.

We will hope that the step your Excellency has been pleased to take in convening a Court of Enquiry for the purposes already stated in this letter, and your animadversions as the executive power, may not be productive of dangerous consequences, and in future form a restraint upon officers who may be called upon to sit as members of a Criminal Court, and may induce criminals to persevere in their iniquitous practices, by observing the differences which so unaccountably arise between the judicial and executive power.

We have, &c.,

NEIL MACKELLAR, Lieut. N.S.W. Corps.

JAMES HUNT LUCAS, Lieut. N.S.W. Corps.

NICHOLAS BAYLY, Ensign N.S.W. Corps.

[Enclosure No. 2.]

1799

GOVERNOR HUNTER TO MILITARY OFFICERS.

30 April.

Gentlemen,

6th April, 1799.

I have receiv'd your letter of this day,* and in reply thereto I have to inform you that your communication from the Judge-Advocate respecting my intention of laying before the King's minister the minutes of the trial of the prisoner Isaac Nichols is correct; and I will be candid enough to tell you, gentlemen, that I have resolv'd upon this measure from motives of duty.

Minutes of
the trial
to be sent
home.

That trial has appear'd to me so very different from anything of that nature which has heretofore happen'd in this country that I have taken much pain and time in the investigation of the minutes, and in considering the different evidence, and I have form'd my opinion of the verdict from that investigation. Conceiving it, therefore, as a matter of the highest importance to his Majesty's subjects inhabiting this colony, I have determin'd to apply for instructions from his Majesty's minister, which instructions I trust will be founded upon the wisdom of the highest law authorities in the kingdom. And let me also inform you, gentlemen, that I have not the smallest objection to transmitting with my despatches any papers you may have to forward.

Importance
of the trial.

Not having received any official information relative to the individual opinions of the Court, I can only imagine from your own letter that you, gentlemen, together with the Judge-Advocate, were the majority for the verdict given, which verdict, from my examination of the trial itself, I have ventured to consider erroneous, as the evidence strikes me; it will therefore remain for a time uncertain which judgement is the most correct.

Verdict
of the
majority.

In Courts-martial it is forbidden by the oath administer'd to the members that the opinions of the individuals shou'd be made public, and in juries they are to be unanimous; our Court is not exactly similar to either, and when the members are no doubt governed by conscience and the evidence before them, it can be of little consequence to them who is acquainted with their respective opinions. But on the present occasion it is only for the information of his Maj's minister, in order that he may see how far the Court was unanimous or divided.

Constitution
of Criminal
Court.

I know not what animadversions you allude to when you complain of being harshly treated by those which you say I have made upon your verdict, and I wish to be inform'd what they are, and by whom you have been inform'd of them.

The officers'
complaint.

The design of the Court of Enquiry I instituted was for the purpose clearly expressed in the letter or precept address'd to its members, and it was intended by me, as well as the minutes of that enquiry, to accompany the trials which I forward to England.

* Ante, p. 661.

1799 most exorbitant prices to the lowest orders of the settlers and to
 6 March. convicts, and that the profit received on such articles is often at
 the rate of one hundred shillings for one, I am directed by the
 Commander-in-Chief to make known to you the above circum-
 stances, an investigation of which has indeed already been directed
 by his Grace, with a view to ascertain who are the officers that
 have transgressed, and to bring them to punishment. His Royal
 Highness, however, considers it of such importance that no means
 should be neglected which may tend to check in future abuses of
 so infamous a nature, and in every respect so pernicious to his
 Majesty's service and so injurious to the character of a British
 officer, that he is under the necessity of desiring that you will
 embrace the earliest opportunity of proceeding to join your regi-
 ment, where, it is hoped, your presence will materially contribute
 in some measure to restore the credit which has hitherto attached
 to the character of a British officer, but which has in this instance
 been sullied.

An inquiry
to be held.

Paterson to
return to
the colony.

I have, &c.,

ROBT. BROWNRIGG.

THE TRANSPORT COMMISSIONERS TO UNDER SECRETARY KING.

Sir,

Transport Office, 6th March, 1799.

In answer to your letter of the 21st ult. signifying to us
 his Grace the Duke of Portland's desire that we should take into
 our consideration a proposal submitted by Mr. James Duncan in
 behalf of the owners of the Friendship and Lux St. Anna, two
 ships taken up on account of the Irish Government for the con-
 veyance of about 300 convicts to New South Wales, relative to
 the provision of a proper guard for each ship, we request you to
 inform his Grace that, upon mature deliberation, we conceive it
 will be more safe that a guard should be furnished as usual by the
 War Department of this country, and that twenty rank and file,
 with their necessary officers, will be the proper number for each
 ship on this service. We also request you to move his Grace that
 orders may be speedily issued for the accomplishment of this pro-
 vision, as the ships will very shortly be ready to sail for Cork for
 the reception of the convicts intended.

Transports.

Guards for
the voyage.

We have, &c.,

AMBROSE SERLE.

JOHN SHANCE.

WM. A. OTWAY.

LIEUTENANT-GOVERNOR KING TO UNDER SECRETARY KING.

8 March.

Sir,

Portsmouth, 8th March, 1799.

The disposal
of Govern-
ment stores.

In consequence of the communication you have made to me
 respecting the colony in New South Wales, I feel it a duty en-
 cumbrant on me to propose such an arrangement as might probably
 remove some of the evils complained of, which has been partly

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.*

1799

Sydney, New South Wales,

My Lord Duke,

1st May, 1799.

1 May.

It becomes necessary I shou'd inform your Grace that since I did myself the honour of writing by the ship Marquis Cornwallis (*vid* Bengal), † a duplicate of which letter I send by this conveyance, I have anxiously waited for an opportunity of communicating the vast disappointment we have experienc'd in the hope and prospect of a very abundant harvest, from a most tedious and unfortunate drought. I can scarcely say that we have had a shower of rain for the last ten months. Our maize crops have completely fail'd us from that cause, and this will occasion a great reduction in our stock of swine. The wheat harvest has not turn'd out more than one-third of what, from the quantity of ground sown with that grain, we had a right to have expected had the season been moderately favorable. The whole country has been in a blaze of fire, our pasturage for a time destroy'd, and the streams of fresh water almost exhausted; this occasions the whole of our grazing cattle to suffer much, still I am in hope our loss from these unfortunate circumstances will not be so great as might be expected. ‡

A drought.

"The whole country a blaze of fire."

Your Grace will pardon me for repeating what the excessive sufferings of the people are for want of cloathing and bedding. Our storehouses are now completely empty, and had not the most rigid and scrupulous oeconomy been practis'd for a very long time past, it is scarcely possible to describe what we must have suffer'd. Norfolk Island feels equally in consequence of our inability to supply their demands. No sufficient supply of such necessaries have been receiv'd here since the arrival of the Sylph two and a half years past; § and at the time we receiv'd her cargo the people were nearly naked. Your Grace may have imagin'd that the Ganges, Britannia, Barwell, and a second Britannia, added to our stock of such articles; but some of those ships landed their convicts either in rags or half-naked, and we had them to cloath from our savings.

Empty storehouses.

Half-naked convicts.

As your Grace is sufficiently acquainted with what description of character the mass of the people in this colony is compos'd of, and that some of those who have been sent here are far from being well effected to our government, you will not be surpris'd that the little intercourse we at this time have with the mother country shou'd give room for the dropping of seditious anonymous papers, threatening what will be done at the proper time. The

Seditious characters.

* This letter was marked by Hunter "No. 39," while that of 21st February (*ante*, p. 579) was numbered 49; it would appear from this that the letter of 21st February was kept back some months.

† The Marquis Cornwallis sailed from Sydney on 3rd December, 1798. The letter Hunter here refers to was dated 1st November, 1798.—*Ante*, p. 504.

‡ It will be seen by the postscript to this letter that the drought broke up in the first week of June, 1799, with very heavy southerly wind and rainstorms.

§ The Sylph arrived at Sydney on 17th November, 1798.

- 1799** people grow insolent from what they suffer, and that insolence renders punishments more frequent and severe. That none may have it in their power to make a plea of any injustice being exercised upon them with respect to their time of servitude, I make it a rule three or four times in the year to issue to those who have completed their term of transportation discharge certificates, and if they are desirous of being at their own disposal we strike them off from the public victualing-book. Thro' these means, having had too many sent here who had not upon their arrival more than two years to serve, together with the necessity of keeping up our artificer gangs for various essential purposes, we are weak in field labour, and on Norfolk Island they are still more so.
- 1 May.** **Certificates of discharge.** The vast number of idle and worthless characters who are let loose in this way, and who have no means or opportunity of getting out of the country, become really, my Lord, a dangerous and most troublesome pest. They will not work, but they contrive to form connections with the equally worthless of the other inhabitants, who from their domestic situations have an opportunity of affording the best information where robberys and burglaries can be most readily committed. Our police is pretty strict,* yet these vagabonds often elude our utmost vigilance. And what renders such idle and wicked characters a still greater inconvenience is that they consume a vast proportion of that provision which is rais'd in the colony and wou'd serve to feed the more industrious, and prevent that supply of swine's flesh being offer'd to the store which we otherwise shou'd have. They are well aware of the consequences of detection in their robberys, many having been retransported,† a sentence they dread more than death.
- A lawless class.** The commanding officer upon Norfolk Island writes me that they have succeeded this season in their wheat harvest much better than formerly, but that their last crop of maize fail'd them. All this wheat, he says, being the property of private settlers, who pay immense prices for labor, they will not supply it to the public store under 15s. per bushel. In short, my Lord, the only effectual means of reducing the price of labor, and consequently of everything rais'd by it, is by supplying the colony with European articles of every kind wanted here—as well the common necessaries of life as some of its luxurys—at a moderate expence. All will then do well, and the farmer, if industrious, will prosper.
- Fed at the public expense.** I must beg to observe, my Lord, with respect to the Government's cattle, which by the inclos'd return‡ you will discover grow
- The harvest at Norfolk Island.**
- Government cattle.**

* In Hunter's Order of 2nd July, 1799, post, p. 685, he attributes the increase of crime to the negligence or the connivance of petty constables and divisional watchmen.

† That is, sent to Norfolk Island, a punishment reserved for the most refractory criminals. The difficulty of escaping from the island, or of eluding the vigilance of their guards, will probably account for the light in which convicts viewed their transfer from Sydney to Norfolk Island.

‡ This return is not amongst the transcripts received from England.

numerous, I most anxiously wish to receive some instructions. I am convinc'd it wou'd prove of much advantage to their care and preservation were part supplied on certain conditions to industrious individuals. Your Grace will otherwise see the necessity of appointing a respectable person to take the whole under his direction, for, my Lord, it is vain to imagine that the Governor, with such a multiplied variety of dutys to consider, can pay the necessary attention to that important trust.

1799

1 May.

The unlucky failure of our crops this last season, from which I had in the beginning such flattering prospect of having near two years' bread in the colony, has oblig'd me to submit to an increase in the price of swine's flesh, which I had in the last year reduc'd one-fourth. It is not possible, my Lord, during the excessive poverty and present distresses of the people, owing to the want of public supplies and the exorbitant expence of labor, that they can feed their swine under such misfortunes at a less price; such stock must be maintain'd from the labor of the owner. In consequence, therefore, of the entire failure of our crop of maize this year, I have ceas'd to issue that article to the people, and serve an additional quantity of wheat in lieu, in order that we may lose as few swine as possible, for they must be fed wholly on maize. Many persons who have turned their mind much to the rearing this kind of stock have assur'd me that the misfortunes I have mention'd have been so great a drawback upon their expectations from that stock that 2s. 6d. pr. lb. would not indemnify them for the expence of feeding. I, however, receive it at 1s. pr. lb. for the public store. But let me here observe, my Lord, that our failure this year is nothing different from what other countrys are subject to. It does not proceed either from the effect of climate or from a sterile country, but intirely from one of those causes which are not to be prevented or accounted for by any human wisdom, but which are sometimes experienc'd in the ways of Providence.

Food supplies.

Failure of maize crops.

An act of God.

It wou'd be a great comfort, my Lord, to those who are charg'd with the general concerns of this colony were our intercourse with the mother country more frequent than in general it has been. It wou'd serve to keep the people more chearfull and contented; it wou'd be the means of introducing many comforts into the settlement, and thereby spur the industrious to every exertion for enabling them to procure a share of such comforts; it wou'd open an avenue thro' which such convicts as might be out of their time might have an opportunity of quitting the country; and such as have no industry are very unfit to continue in it. But I need not fatigue your Grace with observations on these subjects. My general correspondence have already declar'd my sentiments, and to that I must refer.

Irregular communication with England.

- 1799
1 May.
Purchases
from
strangers.
- The Hawkes-
bury River
flood of
1799.
- Its cause.
- The banks
overflown.
- Loss of
stock and
produce.
- The distresses and wants which I have had occasion to mention will, I doubt not, be sufficient to impress upon your Grace's mind the unavoidable necessity of such purchases from strangers as I am most unwillingly compell'd to make, and have at this moment an opportunity of being supplied with, and of which, for your Grace's satisfaction, I inclose a list,* with the prices paid. If during the command of other officers in this country they were more fortunate in receiving supplies from home than I have been, the expences incurr'd during their authority will have appear'd proportionately less; yet I trust that the want of a more frequent communication, and the expences occasion'd from that circumstance, will not be plac'd to the account of a want of due attention to the public interest on my part.
- Before I conclude this letter, I must inform your Grace that immediately after the breaking up of the tedious drought which I have mention'd another misfortune succeeded, which, altho' not so ruinous to the colony at large, has prov'd a most distressing circumstance to the settlers upon the banks of the Hawkesbury River, where we have in some seasons rais'd from fifteen to twenty thousand bushels of wheat. No cause having appear'd which indicated an approaching overflow of that river, the people were not prepar'd for such a disaster. Some say the natives foresaw it and advis'd the inhabitants; but this report requires confirmation. Certain, however, it is that a very heavy fall of rain had taken place in the interior of the country, which being at that time in an uncommonly dry and parch'd state had not quickly absorbed any part of this torrent; it descended down the sides of the hills as from mountains of solid rock, fill'd all the low grounds and the various branches of the river, which, being in shape suddenly serpentine, cou'd not give vent so fast as the waters came down.† The banks upon which our settlers were fix'd were overflown with vast rapidity. The Government store, which had been built upon the first settling of this part of the country, was not out of the reach of this inundation, and was, with all the provision it contain'd, swept off. The river swell'd to more than fifty feet perpendicular height above its common level, and the torrent was so powerful it carried all before it. Many of the people were taken from the ridges of their houses by a few boats they had amongst them just in time to save their lives, for most of the dwellings were cover'd, and the whole country here appear'd like an immense ocean. Many hogs, other live stock, poultry, with much of the produce of the last unfortunate harvest, and the domestic effects of the people, were hurried away before the torrent.

* This list is not available.

† The account of this flood given by Collins (vol. ii, p. 199) is almost word for word the same as that in this letter. It is evident either that Collins had free access to Hunter's despatches, or else, as is now generally believed, Hunter supplied him with the data from which he compiled, with slight verbal alterations, his second volume, 1795-1800.

home, I wish to exert myself as much as possible, and not to let any opportunities pass away. 1799

I cannot help regretting that so much time and money has been expended, and all yet to no purpose; but such events are not to be foretold. Had such been applied at a proper season in an excursion into the peak of Derbyshire, or the northern parts of the kingdom, it probably might have greatly tended to the improvement of British botany. 10 April. He regrets being delayed.

Soon after I received your letter, unfortunately, I got a violent cold, by which and the severity of the weather prevented me from going to the place you pointed out. I have examined the Isle of Portsea till I am wearied with it. To be sure, I have found several plants that I never saw growing wild before, but nothing that I can call new. I have met with a few plants that I am rather doubtful to say what they are, on account of their being in so young a state of growth. His labours at Portsea.

If what I have stated should meet with your approbation, I hope you will let me know. I can walk up in two days very well, and return in the same time. If it so happens that I have to go in the Porpoise, I imagine she will not sail before the convoy, which is appointed on the 11th of May; but I leave all to your opinion. I am, &c.,

GEO. CALEY.

Notes in Sir Joseph Banks's handwriting:—I will replace the money which you have been obliged to spend at Portsmouth, and have no objection to your coming up if Govr. King will consent. Sir Joseph's reply.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

Sir, Whitehall, 12th April, 1799. 12 April.

You will receive by the Porpoise near four tons of a new copper coinage of a penny each.* Copper coinage.

The total value of the above coinage is £550, which you will take care to carry to the credit of Government, and to account for it in making such payments therewith for the public service as you shall from time to time judge most adviseable.

The circulation of this coinage must very much add to the comfort and convenience of individuals, and greatly facilitate their dealings with each other.

It does not occur to me that there can be any inducement or motives of interest for sending this money out of the settlement; but if the contrary should be the case, it will be your duty to To be kept in the colony.

* These coins were sent out in consequence of the representations of Lieutenant-Governor King.—Ante, pp. 611, 642.

1799 various articles,* and have sent her to this port, where she has been
 1 May. tried by a Court of Vice-Admiralty and condemned as lawful prize.

Permit me, my Lord, to take the liberty of observing that this colony may prove at some future period, *from its situation*, a settlement of much importance in case of either a Dutch or Spanish war.

I have, &c.,

JNO. HUNTER.

An un-
pleasant
duty.

P.S.—7th June. Nothing can distress me more, my Lord, than to have occasion to relate accidents or misfortunes having taken place in this settlement. But it wou'd be improper to conceal from your Grace's knowledge anything which can in the smallest degree occasion expence; I therefore add by way of postscript to this letter,—that on the 4th, 5th, and 6th of June a very heavy storm of wind from the southward, attended by an incessant torrent of rain during those three days, took place here; by which several highly essential buildings of a public nature, which have been erected by great labour and a considerable expence of time, but which, not being quite completed, were blown intirely down, and we are thereby thrown back for near twelve months in what I hop'd to have finish'd in a very short time.

A destruc-
tive storm.

Damage
done to
public
buildings.

The house erected formerly by Governor Phillip for the residence of the Govr. when his duty call'd him to Parramatta, having about six months ago fallen down, being intirely decay'd, I had got another of better construction almost up, but this gale has damaged altho' not destroy'd it. A large substantial windmill tower of stone, the second I have attempted to erect, was rais'd to its full height, and we were employed in getting on its roof, but not being yet clos'd in, or sufficiently shelter'd from the storm, it was laid down to the ground; a variety of other buildings of less magnitude, but equally necessary, are either level'd with the ground or much injured. I trust, however, my Lord, that I shall in less than another year get the better of these misfortunes, and I hope without creating any additional expence but such as may be the consequence of a loss of time.

J.H.

GOVERNMENT AND GENERAL ORDER.

8 May.

8th May, 1799.

Parole—Deal.

Countersign—Downs.

Clothing for
convicts.

ON Saturday next the Commissary will issue to such men as may be entitled as much blue gurrah,† and some thread, as will make a frock and pair of trousers. The women and children who may also be entitled will receive a proportion in the beginning of the week.

JNO. HUNTER.

* Collins (vol. ii, p. 205) states that the cargo of the Spanish vessel consisted of sugar, flour, and an ardent spirit similar to the *aguis ardente* of Brazil. The flour and sugar Hunter allowed to be sold by auction, but not the spirits.

† A coarse Indian muslin, described by Collins as not much better than bunting.

service of New South Wales, I am to desire that the necessary directions may be given for preparing and shipping the same on board the Porpoise, armed ship, or Walker, transport, at Portsmouth, whichever may be best able to receive them, of which notice will be given in the course of a day or two. 1799
26 April.

The above ships are expected to sail in about a week or ten days.

I am, &c.,
PORTLAND.

MR. R. MOSS* TO LIEUTENANT-GOVERNOR KING.

Dear Sir, Whitehall, 26th April, 1799.

Mr. King has received your letter,† and wished very much to get some allowance for you according to your request, but finds upon enquiry that there is no precedent for it.

When a Governor first goes out he is sent in a ship-of-war, for which a certain allowance is made to the captain of the ship, and in some cases where he does not take his passage on board a ship-of-war the usual allowance is paid to the Governor himself, and he finds his own passage; but this allowance where he finds his own passage is only made the first time a Governor goes out, for afterwards he passes backwards and forwards at his own expence. Allowance to Governors.

With respect to the guns, the Duke of Portland has ordered four iron twelve-pounders on wooden carriages to be shipped on board the Porpoise or the Walker, whichever is best able to carry them.‡ The iron guns are particularly recommended by the Ordnance Board, as well as the wooden carriages, the latter of which are done over with a composition so as to endure any climate. They say that there are similar ones in the West Indies, where they have been for eight years, and are as good as they were at first. The brass guns get out of repair. A proper proportion of amunition is ordered with them. You must not fail to send word by return of post whether the Porpoise is able to carry them. Iron guns v brass ones.

Yours truly,
R. Moss.

UNDER SECRETARY KING TO SIR S. COTTRELL.

Sir, Whitehall, 29th April, 1799. 29 April.

I have laid before the Duke of Portland your letter to me of the 3rd instant, on the subject of the copper coinage to be sent to New South Wales, and am directed by his Grace to acquaint you, for the information of the Lords of the Committee for Trade and Foreign Plantations, that some copper pence to the value of £550 have been taken from the coinage which had been provided for the Cape of Good Hope, and have been sent for the use of the settlement at New South Wales, on board the Porpoise, now about Copper coinage for the colony.

* Mr. Moss was an official in the office of the Secretary of State for the Home Department.

† This letter is not amongst the Records.

‡ Ante, p. 656.

1799

GOVERNMENT AND GENERAL ORDER.

11 May.

11th May, 1799.

Parole—Plymouth.

Countersign—Dock.

Medical Department.

D'Arcy
Wentworth.

ON Thursday, the 16th instant, Mr. D'Arcy Wentworth will take the Parramatta duty, and Mr. James Mileham will return to the duty of Sydney.

JNO. HUNTER.

G. SUTTON TO SIR JOSEPH BANKS. (Banks Papers.)

H.M. ship Porpoise,

16 May.

Sir,

Spithead, 16th May, 1799.

Plants for
New South
Wales.

I take the liberty of informing you that I this day received and planted the plants sent down—two olives, two carribs, lemon grass, spring grass, cactis, ginger, strawberys, and campher plants,—all of which arrived without the smallest injury, and it is with pleasure I acquaint you, sir, that the garden is realy in a flourishing condition. The vines, hops, apples, pears, peaches, nectrines, nuts, herbs, and indeed everything is in the most healthy state. Permit me, sir, as a humble and trifling return for the many favors I have received from you, since I am about to leave my native country, to give you my most sincere thanks. Believe me, sir, it is the thanks of a heart sincerely grateful, and which will ever remain so for your goodness. My wife too begs you will accept the grateful acknowledgments of her heart. Your liberality has been the means of making us truely happy and comfortable, and since my good fortune has made me an object that you are pleased to be concerned for, it will allways be my first object to render myself worthy your good opinion, which I hope I shall allways be so fortunate as to enjoy. One thing more, sir, I must intrude upon you, that is: Heaven has blessed me with a young boy, and both my wife and son are in a fair way. G.S. is happy to hear Sir Joseph Banks enjoys a good state of health; hopes Lady Banks, Mrs. Banks, Mr. and Mrs. Anfriere inherit the same blessing. That they and you, sir, may long enjoy it is the sincere wish of,

G. SUTTON.

Gratitude to
Sir Joseph
Banks.

G. CALEY TO SIR JOSEPH BANKS. (Banks Papers.)

18 May.

Sir Joseph,

Portsea, 18th May, 1799.

Carriage of
plants.

According to your request, I here send you the account of the expence of bringing the plants down, which, from London to delivering them to the ship, amounts to £1 7s. 5d.

Caley's
outfit.

I do not imagine that while I am in New South Wales I shall not want any wearing apparel, except shoes, which I have just

Your Grace will observe that those officers are highly dissatisfied that I shou'd interdict or suspend the immediate execution of a verdict given by the Court of which they were members, and that (in consequence of certain reports which at this time prevail'd, and which, if founded in truth, it appear'd to me shou'd have come before the Court) I should have ventur'd to order a Court of Inquiry into the truth or falsehood of those reports, as highly material to a prisoner who had been found guilty by that Court.*

1799

30 April.

The Court of Inquiry.

How far I have been right or wrong in the exercise of that power which his Majesty has been pleas'd to deligate to the Governor of this territory, I will not allow those gentlemen to be the judges; I submit that to your Grace's wisdom, to whom I hold myself responsible. Their manner of expressing themselves to me, as the commander-in-chief here, is what I cannot suffer to pass without representation. They speak of not tamely submitting, &c., and that they are not to be deter'd from a conscientious discharge of their duty, &c. If this kind of language is to be permitted upon public service, we may reasonably expect it will, in time, be carried much farther. My letter to the Judge-Advocate—after the most close, carefull, and impartial investigation of the minutes of the particular trial alluded to—is herewith inclosed, together with other papers which relate to it.† From these documents your Grace will discover my reason for sending this trial to England, and for desiring that the votes for and against the verdict be given with it, and that I have done in order to shew whether there is or not grounds for fearing that party is likely to make its way into our Court. Notwithstanding the favorable testimony I had given of the prisoner, I hold myself wholly uninfluenc'd by any partial motive; I am govern'd, as becomes my duty, by the most rigid and inflexible justice; and were it necessary to collect the variety of strange circumstances which have attended this trial, your Grace wou'd, I trust, be perfectly satisfied with my motives in saying so much upon it.

The tone of the officers' letter.

Circumstances of the trial.

Those gentlemen, in their letter, insinuate something respecting animadversions of mine upon what they call their verdict, and of marginal notes which they understand I am to make upon the face of the minutes of that Court, and which I confess myself at a loss to understand, not having convers'd with any person on the subject, except the Judge-Advocate, when I gave him my opinion, in private, upon the verdict, by observing that there appear'd to me, from the perusal of the minutes, to have been an error, and that, in my judgement, the evidence for the prosecution, if seriously consider'd as it ought certainly to be, wou'd not warrant a sentence such as had been pass'd upon the prisoner. This observation of

Insinuations of officers.

A private communication.

* The case referred to will be seen by the enclosure to this letter to be the trial of Isaac Nichols.—Ante, p. 584 *et seq.*

† These papers form enclosures to Hunter's letter to Portland of 21st February, 1799.—Ante, p. 579.

1799

20 May.

An irksome
command.

This, be assured, my friend Bentham, is a most irksome command, proceeding from a variety of causes not necessary to be enumerated now, and its advantages are altogether in the honor and respectability of the appointment, for handsome as the salary appears upon paper, it will take nearly the whole, in the present state of the colony, to defray the expenses attendant upon the situation.

Fatigues of
office.

The fatigue to which the Governor of this territory must submit, both mental and corporeal, is far beyond any idea you can have of the nature of his duty rendering such fatigue necessary in the Commander-in-Chief. I may venture, however, to assure you, that had I been gifted with the power of looking into future events, happy as I shall ever be to obey the commands of his Majesty and to go wherever he may be pleased to order me, I never should have coveted that which now occupys my endeavours ; in short, altho' I possess not a shilling in the world besides my Commission in the Navy, my present salary would not have been an object sufficient to have inclined me to return to this country, for after all I suffered formerly in its service my troubles then were by no means equal to my fatigues now : that convenient gift I am mentioning would have laid open to my view those works which I shall ever believe were intentionally designed for my embarrassment, but you will not suppose to distress me individually could be the object ; but it appeared to be considered a disappointment that another naval officer should be appointed to the chief command. I have struggled on under every possible difficulty, and as it has pleased God to give me health and strength equal to my zeal, I will continue to hope that I may be able to act in such way as may give satisfaction to his Majesty. When my health and strength begin to decline, which according to the common course of nature I ought to expect before long, I will then decline my present office, and endeavour to obtain his Majesty's permission to do so ; untill that time I will persevere in my best exertions for conquering every difficulty, whether they be natural or artificial ones, of which last kind we have too many people in this colony disposed to create all they can.

Hunter in-
tentionally
embar-
rassed.He will
persevere to
the end.Hunter's
disappoint-
ment.

My former knowledge and acquaintance with this country encouraged me in a hope, which, however, has, in some respects, proved delusive, that I should with ease to myself and with proper effect and advantage to the public have been able to manage all the duties of my office ; but I had not been long entered upon it before I was awakened from that dream of comfort and satisfaction the prospect of which I had so vainly indulged ; the seeds of those vexations, which had so disappointed me, had been sown for a very considerable time, and being rather of a prolific nature

amongst such a people, had gained so much strength that it will require immense labour to grub them up by the root. I have persisted in any attempt to that end, and mean not to change my system, which, be assured, from being calculated to lay restraints upon every species of vice and immorality, cannot amongst such characters be a very popular one; that, however, will be a matter of no immediate concern to me if I succeed only in a small degree to check the growing profligacy and abandoned turn of the lower classes of the people, altho' I may be censured on the spot by those whose views and interests may be effected by my endeavours. I have no doubt in due time I shall receive that credit which may be my right, and which is all I require.

1799

30 May.

His determination to persevere.

This is a good country, and will do well, but its progress in improvement would be considerably hastened could Government be prevailed upon not to overstock us with the worst description of characters; for whilst the mass of the people continue to be of that class, our difficulties will ever be very considerable, and the industrious and well-disposed become a continual prey to the idle and worthless. It will at all times give me much pleasure to hear from you, and any of my friends the members of the Transport Board will readily forward any letter you may favour me with.

A good country.

I am, &c.,

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

20th May, 1799.

Parole—Seasonable.

Countersign—Weather.

THE price of fresh pork having for some time past been raised, in consequence of the failure of our last harvest, and designed as a temporary relief to those who had suffered by that misfortune, it is now to be understood that the Commissary is directed to return to the price formerly established, viz., ninepence per lb., for all which may be offered after Saturday next, the 25th instant.

The price of pork.

JNO. HUNTER.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

Dear Sir,

Portsea, 26th May, 1799.

26 May.

The plants you were so kind to send down by Cayley were all planted the day after they came down, and are now in very good order. Every other plant looks extremely well. We are anxiously expecting some good news respecting the fleets which cause our detention. I hope a very few days will bring us some accounts,

The plants on H.M.S. Porpoise.

1799 and those of a favourable nature. We are rather alarmed here on
26 May. account of Admiral Whiteside's detachment.

Caley and
the sextant. I am afraid Caley will not be able to accomplish the business
of the longitude for want of qualified assistants in his journey.
The latitude he will easily and soon be master of, which can be as
soon found by a Readley's quadrant as by the sextant, which he
will put so much out of order if given to him as to be ever useless.
A very good ten-inch Readley's quadrant can be got here for two
guineas and a half, which I think will soon be so familiar to him
as to make it a more desirable instrument than the sextant you
sent for him, which still remains in my possession, and may here-
after be serviceable to him or some other person ; or, if you please,
I will return it again. I think we shall be able to manage every-
thing else very well.

The Lady
Nelson. I have heard nothing more about the Lady Nelson, but at the
same time am certain that everything in your power has been done.
I do not think she ought to be later in sailing from England than
the latter end of August. There is one thing in her equipment
which is not allowed of in the Navy, but which is of an absolute
necessity to vessells employed on the service for which she is
destined, i.e., iron chains for the cables to be passed round from
the ring of the anchor about seven fathoms on the cable, to pre-
vent the cable being rubbed or the anchor lost on corally bottoms.
These chains should be made the same as those used for the traces
of carts sometimes, but much smaller. There should be three of
them to boom each cable, as above described. In case the whaler
should stop at the Brazils, I have given Col. Paterson a copy of
your paper. Col. P. and myself join in best respects to yourself
and the ladies.

I am, &c.,

PHILIP GIDLEY KING.

GOVERNMENT AND GENERAL ORDER.

31 May.

31st May, 1799.

Parole—Shoreham.

Countersign—Seaford.

The King's
birthday.

TUESDAY next, the 4th of June, being the anniversary of his
Majesty's birth, the military will parade at 12 o'clock, and fire
three volleys in honor of the same. The batterys upon the west
and east points of the Cove will fire between them twenty-one
guns. The military will take the direction of the west battery,
and the scamen of his Majesty's ship Supply the east. The salute
will be fired at 1 o'clock, and begin at the east point.

JNO. HUNTER.

[Enclosure No. 2.]

1799

GOVERNOR HUNTER TO MILITARY OFFICERS.

30 April.

Gentlemen,

6th April, 1799.

I have receiv'd your letter of this day,* and in reply thereto I have to inform you that your communication from the Judge-Advocate respecting my intention of laying before the King's minister the minutes of the trial of the prisoner Isaac Nichols is correct; and I will be candid enough to tell you, gentlemen, that I have resolv'd upon this measure from motives of duty.

Minutes of
the trial
to be sent
home.

That trial has appear'd to me so very different from anything of that nature which has heretofore happen'd in this country that I have taken much pain and time in the investigation of the minutes, and in considering the different evidence, and I have form'd my opinion of the verdict from that investigation. Conceiving it, therefore, as a matter of the highest importance to his Majesty's subjects inhabiting this colony, I have determin'd to apply for instructions from his Majesty's minister, which instructions I trust will be founded upon the wisdom of the highest law authorities in the kingdom. And let me also inform you, gentlemen, that I have not the smallest objection to transmitting with my despatches any papers you may have to forward.

Importance
of the trial.

Not having received any official information relative to the individual opinions of the Court, I can only imagine from your own letter that you, gentlemen, together with the Judge-Advocate, were the majority for the verdict given, which verdict, from my examination of the trial itself, I have ventured to consider erroneous, as the evidence strikes me; it will therefore remain for a time uncertain which judgement is the most correct.

Verdict
of the
majority.

In Courts-martial it is forbidden by the oath administer'd to the members that the opinions of the individuals shou'd be made public, and in jurys they are to be unanimous; our Court is not exactly similar to either, and when the members are no doubt governed by conscience and the evidence before them, it can be of little consequence to them who is acquainted with their respective opinions. But on the present occasion it is only for the information of his Maj's minister, in order that he may see how far the Court was unanimous or divided.

Constitution
of Criminal
Court.

I know not what animadversions you allude to when you complain of being harshly treated by those which you say I have made upon your verdict, and I wish to be inform'd what they are, and by whom you have been inform'd of them.

The officers'
complaint.

The design of the Court of Enquiry I instituted was for the purpose clearly expressed in the letter or precept address'd to its members, and it was intended by me, as well as the minutes of that enquiry, to accompany the trials which I forward to England.

* Ante, p. 661.

1799 that the money that I have spent here, without finding anything,
3 June. how far I could have extended it in a mountainous country in the
north of England.

I am, &c.,
G. CALEY.

EX-GOVERNOR PHILLIP TO LIEUTENANT-GOVERNOR KING.

5 June.
Phillip's pro-
perty in the
lost cattle.

My Dear Sir,

Portsmouth, 5th June, 1799.

As two of the cows lost soon after our landing in New South Wales were my property, I have an undoubted claim to a share in the cattle since found to have increased in so extraordinary a manner, and as Government puts the care of such part of their cattle to which they have a claim under the protection of the Governor for the time being, I now give to you all my interest therein, to dispose of as you may judge proper; and in doing this I may, and certainly shall, render a very essential service to that country, as no cattle can be killed without the consent of the Governor and yourself, or whoever you vest your property in when you leave the country.

Wishing you health and every good, I remain, &c.,
A. PHILLIP.

When the cows were lost they were five in number; three were the property of the Crown, and two were mine. The bull and heifer belonged to the Crown also.

GOVERNMENT AND GENERAL ORDER.

10 June.

10th June, 1799.

Parole—Deliberate.

Countersign—Consult.

Hunter con-
venes a
meeting of
officers and
others.

THE Governor desires to meet the principal inhabitants of the colony—civil, military, and naval—on Wednesday, the 12th instant, at 11 o'clock in the forenoon, at the Court-room in Sydney, upon business of a public nature.*

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

11 June.

11th June, 1799.

Parole—Attention.

Countersign—Deliberation.

The hours of
labour for
convicts.

FROM the shortness of the days and the late hours at which the people assemble at their work in the morning, it is not possible that a fair day's task can be finished by 1 o'clock.

* Under date June, 1799, Collins (vol. II, p. 214) states:—"The erecting of the stone prison at Sydney being found to create much expence, as well as require much time, the Governor called a meeting of the officers, principal inhabitants, and landowners, and proposed an assessment to be furnished by each, as well of money as of labour, which was readily agreed to on their part; and that necessary building was thenceforth carried on at their expence, the public stores only furnishing such iron as might be required." This was doubtless the meeting convened by the above Order. It was rendered the more necessary to call in the aid of private persons by reason of the destructive hurricane of the 4th, 5th, and 6th June, 1799. The stone prison was built at what is now the northern corner of George-street and Essex-street. See also post, p. 604.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.*

1799

Sydney, New South Wales,

My Lord Duke,

1st May, 1799.

1 May.

It becomes necessary I shou'd inform your Grace that since I did myself the honour of writing by the ship Marquis Cornwallis (*via* Bengal),† a duplicate of which letter I send by this conveyance, I have anxiously waited for an opportunity of communicating the vast disappointment we have experienc'd in the hope and prospect of a very abundant harvest, from a most tedious and unfortunate drought. I can scarcely say that we have had a shower of rain for the last ten months. Our maize crops have completely fail'd us from that cause, and this will occasion a great reduction in our stock of swine. The wheat harvest has not turn'd out more than one-third of what, from the quantity of ground sown with that grain, we had a right to have expected had the season been moderately favorable. The whole country has been in a blaze of fire, our pasturage for a time destroy'd, and the streams of fresh water almost exhausted; this occasions the whole of our grazing cattle to suffer much, still I am in hope our loss from these unfortunate circumstances will not be so great as might be expected.‡

A drought.

"The whole country a blaze of fire."

Your Grace will pardon me for repeating what the excessive sufferings of the people are for want of cloathing and bedding. Our storehouses are now completely empty, and had not the most rigid and scrupulous oeconomy been practis'd for a very long time past, it is scarcely possible to describe what we must have suffer'd. Norfolk Island feels equally in consequence of our inability to supply their demands. No sufficient supply of such necessaries have been receiv'd here since the arrival of the Sylph two and a half years past;§ and at the time we receiv'd her cargo the people were nearly naked. Your Grace may have imagin'd that the Ganges, Britannia, Barwell, and a second Britannia, added to our stock of such articles; but some of those ships landed their convicts either in rags or half-naked, and we had them to cloath from our savings.

Empty storehouses.

Half-naked convicts.

As your Grace is sufficiently acquainted with what description of character the mass of the people in this colony is compos'd of, and that some of those who have been sent here are far from being well effected to our government, you will not be surpris'd that the little intercourse we at this time have with the mother country shou'd give room for the dropping of seditious anonomous papers, threatening what will be done at the proper time. The

Seditious characters.

* This letter was marked by Hunter "No. 39," while that of 21st February (*ante*, p. 579) was numbered 40; it would appear from this that the letter of 21st February was kept back some months.

† The Marquis Cornwallis sailed from Sydney on 3rd December, 1798. The letter Hunter here refers to was dated 1st November, 1798.—*Ante*, p. 504.

‡ It will be seen by the postscript to this letter that the drought broke up in the first week of June, 1799, with very heavy southerly wind and rainstorms.

§ The Sylph arrived at Sydney on 17th November, 1798.

1799

MR. R. MOSS TO LIEUTENANT-GOVERNOR KING.

(King Papers.)

Secretary of State's Office,

18 June.

Dear Sir,

18th June, 1799.

Provision
for King's
family.

Mr. King being much occupied has desired me to assure you that in case of any accident happening to you (which I hope will not be the case) he will take care that your family shall receive the amount of the valuation of your sheep, together with a proportionate sum for their increase.

R. Moss.

G. CALEY TO SIR JOSEPH BANKS.

(Banks Papers.)

25 June.

Sir Joseph,

Porpoise, Spithead, 25th June, 1799.

Delay of the
Porpoise.Repeated
disappoint-
ments.A dis-
agreeable
circum-
stance.

It is with great reluctance that I inform you that my expectation of the Porpoise sailing with the East India fleet has proved abortive. When that fleet was getting under weigh it was said we should in a few days set sail, along with the Lancaster; but now there is nothing said about the matter. Govr. King has now left the ship, and took lodgings in the Isle of Wight, but I am told it is only for a few days. These few days, I am afraid, will prove as usual, that is, a few months. I cannot conceive how these delays are caused. Every now and then great bustle is made, and we are going to sea immediately, but hitherto this all has proved fruitless. It is highly mortifying to see fleets after fleets to sail that were said that we should have gone with. Being kept in this suspense is worse to me than being in a prison, by not knowing the time when the mind will be released. It is very disagreeable being on shipboard in an harbour in this capacity, and with being so much crowded, so as to have a very disagreeable birth. All inconveniences I should very gladly put up with was the ship to set sail. There is another very disagreeable circumstance that I cannot help mentioning, which is, one of the men being very lousy, by which this evil is greatly increasing, and I am afraid it still will do so, until the capt. comes on board, and uses proper means to suppress it, for none yet have been used. It is with difficulty that I can keep clear from them. In my opinion such cases as these should not be delayed when they have made their appearance, for cleanliness is certainly a great preservation to health.

"More
money."

For the liberality that you have bestowed upon me I am afraid I shall never be able to return you an ample satisfaction, and now am under the obligation of asking you for more money, though, at the same time, I am greatly ashamed by so doing. Whether I

remain on board or go on shore, expences keep still presenting themselves by consuming matters that ought to have been done while in foreign ports. As the season is greatly advanced, and I never expect to have an opportunity of being any length of time in the south of England again, I should like to make an excursion every now and then about the distance of twenty miles from Portsmouth. But in these excursions I cannot make that discovery as a person that is settled; for when anything presents itself that I do not thoroughly understand I have not the opportunity of cultivating it. This is the method that Mr. Curtis's late gardiner used to do—if they proved to be what was known before, they were easily cast away. Parcels of this description are not worth the carriage of sending to town for to be cultivated. I flatter myself in saying that I can travel upon as little expences as most people, but I found the Isle of Wight to be an expensive place. I imagine this is owing to its being a place of great resortment to in the time of summer, and to the great number of soldiers that are stationed along the coast; but it is certainly a delightful place for a botanist to visit.

1799

25 June.

Caley's
botanical
excursions.

Governor King ordered his grocer to furnish me with as much tea and sugar as he (the Governor) thought proper, and also some shot, for he said I could not get any in New South Wales, though powder I might. The former, had it not been for custom, I would have gone without, for I think it is carrying the matter to too great an expence. Whatever another person can live upon, I can do the same.

A botanical
specimen.

Soon after I had sent you the small plant enclosed in the letter, with much trouble I got to my books, and found it to be nothing more than *Campanula hybrida* in a minute state, owing to its parched, elevated growth. It was one of the few that was not in Mr. Curtis's desideratæ of British plants the time that I was with him. Its corolla being deeply divided, never caused me to think of its being a *Campanula*. The drawing that you sent to me, I will do my best to prove whether it is a deception or not. The garden on board the ship is in a flourishing state.

I am, &c.,

GEORGE CALEY.

Memo. by Sir Joseph Banks.—June 27. Sent him £10.

GOVERNMENT AND GENERAL ORDER.

27th June, 1799. 27 June.

Parole—Camberwell.

Countersign—Walworth.

The Commissary is directed to issue on Saturday next to each man belonging to the public working gangs of Sydney and

Clothing for
convicts.

1799 Parramatta, one jacket, one waistcoat, a pair breeches and pair
27 June. of stockings ; and on Saturday, the 6th July, the gangs at the
Hawkesbury will have the same proportion.

The last
issue
of clothing.

After the general muster such other persons as may be entitled will also receive a supply of the above articles. This issue being the last which remains in possession of the Commissary, it is expected the utmost care will be taken that they last as long as possible. If any shall be known to sell what may be then served them they will be punished in the most severe manner; and those who are known to purchase will also subject themselves to such notice as a disobedience of Public Orders may merit.

JNO. HUNTER.

G. CALEY TO SIR JOSEPH BANKS.

(Banks Papers.)

29 June.

Sir Joseph,

Porpoise, 29th June, 1799.

Banks
assists
Caley.

Yesterday I received your letter with the enclosed ten-pound note. I should have returned an answer by return of post, according to your request, had it been delivered earlier in the day. The evil that I before mentioned I still keep free from, and am not sorry to say that some of the seamen dislikes it as much as myself, by which I think its progress will not be so rapid as what I first suspected. I cannot conclude this loathsome subject without thanking you for your advice, for I should have suspected that the ointment would not have been so safe to have been applied, on the account of the large quantity of mercury that it contains.

Caley's
gratitude.

For the liberal encouragement that you have given me, it grieves me to think of, that I am not yet able to make you any return. When I arrive at New South Wales I know that I shall often regret the loss of time that has been caused by this delay, for then I shall not have a minute to spare, for I intend to fetch it up again if possible. It is not improbable but what our stay at the Cape of Good Hope will be longer than what is thought to be. My wish is that we may not be detained there long, for I shall not have a good opportunity of drying specimens until I arrive at the place of my destination. To see new objects without procuring specimens is greatly mortifying. So I shall conclude with hoping that you may enjoy your health and have the pleasure of examining what is the chief object of my mind to fulfil.

I am, &c.,

GEO. CALEY.

STATE of the Settlements at Sydney, Parramatta, &c., New South Wales, 30th June, 1799.

Time.	Settlements.	Civil Department.														Military Department.											
		Deputy Judge-Advocate.	Surveyor of Lands.	Provost-Marshal of the Territory.	Chaplain.	Surgeon.	Assistant Surgeons.	Deputy Surveyor of Lands.	Deputy Commissary and Acting.	Superintendents, Storekeepers, &c.	Boat-builder.	Women.	Children.	Major.	Captains.	Lieutenants.	Ensigns.	Quartermaster and Deputy Commissary.	Surgeon.	Serjeants.	Corporals.	Drummers.	Privates.	Women.	Children.		
1799.																											
June 30..	Sydney	1	1	1	1	1	2	1	1	4	1	2	3	1	3	3	2	1	1	18	16	12	263	68	74		
"	Parramatta & Toongabbie.	..	..	..	1	..	1	..	..	7	..	3	7	..	1	1	..	..	..	3	3	2	71	40	47
"	Hawkesbury .....	..	..	..	..	..	..	..	..	1	..	1	..	..	..	1	..	..	..	2	2	..	30	14	15

1799
30 June.
State of the
settlements.

1799
30 June.
State of the
settlements.

State of the Settlements at Sydney, Parramatta, &c.—continued.

Time	Settlements.	Registrar of Vice-Admiralty Court.			Free People and Settlers Victualled.			Free People and Settlers not Victualled.			Emanci- pated.		Convicts.		Orphans victualled.	Natives.	Numbers on the different Rations.					Victualled from the Public Stores.	Whole number at Full Ration.	Number in the Settlement.
		Men.	Women.	Children.	Men.	Women.	Children.	Men.	Women.	Children.	Men.	Women.	Whole.	Two-thirds.			Half.	Quarter.						
1799.																								
June 30..	Sydney	73	30	24	500	70	6	15	3	640	205	305	12	6	1,068	380	280	140	1,832	1,474	2,436			
"	Parramatta & Toongabbee.	53	65	40	150	20	4	6	1	506	156	131	6	2	653	261	150	75	1,147	927½	1,364			
"	Hawkesbury	40	6	21	500	12	6	4	3	98	79	106	5	1	130	100	04	43	431	323	966			

General total in settlements, 4,740.

JAMES WILLIAMSON,
Acting Commissary.

COPPER COINAGE.

671

UNDER SECRETARY KING TO LIEUTENANT-GOVERNOR KING.

1799

Dear Sir,

Whitehall, 8th May, 1799.

8 May.

I have sent your letter relative to Captain Townson* to Colonel Brownrigg, as a compliance with his request must depend upon the Department of the Commander-in-Chief. There are only three tons of copper coinage sent by the Porpoise in pence; the remainder will be sent in half-pence and farthings when coined. The articles you recommended to be procured for sale will be sent by the next opportunity; but you will recollect the very large quantity of clothing and other articles already sent for sale, with the directions given to Hunter respecting them. Indeed the articles are so considerable in point of quantity, though not of selection, that there will be more than can be purchased by the colony for some time.

Copper
coinage.

I received Mr. Palmer's letter with its inclosure. I think I have seen the inclosure before. Lieutenant-Colonel Paterson's business will not be forgot, but no provision can be made for him before the next Estimate.†

Palmer and
Paterson.

The Lords of the Admiralty have not decided about the Commission you allude to. They will probably name a man of their own.

I am, &c.,

J. KING.

GOVERNMENT AND GENERAL ORDER.

10th May, 1799.

10 May.

Parole—Brixham.

Countersign—Torbay.

THAT those people who have been convicted in Ireland, and transported by the laws of that kingdom to this country, may be convinced that the Governor has us'd every means in his power to obtain certain information relative to the term of their transportation, he has now to inform them that he has received from Ireland a correct statement of the sentences of all those who came to this colony in the ship Queen, and that he is informed, thro' the Secretary to the Lord Lieutenant, that the lists of those who came here in other ships after the Queen may know the extent of their convictions by applying, when they have an opportunity, at the Commissary's office, Sydney.

Terms of
transporta-
tion of
convicts
from
Ireland.

Such as may appear to have been sent here for life need not despair of being again in due time the masters of their own labors, as every man knows that a decent, orderly, industrious, and obedient conduct has frequently in this colony recommended many to public favor.

JNO HUNTER.

* See Hunter to Portland, ante, pp. 448, 449.

† King here evidently refers to his consultation with the Lieutenant-Governor concerning an allowance to Paterson.—See King to Banks, ante, p. 648.

1799

GOVERNMENT AND GENERAL ORDER.

11 May.

11th May, 1799.

Parole—Plymouth.

Countersign—Dock.

Medical Department.

D'Arcy
Wentworth.

ON Thursday, the 16th instant, Mr. D'Arcy Wentworth will take the Parramatta duty, and Mr. James Mileham will return to the duty of Sydney.

JNO. HUNTER.

G. SUTTON TO SIR JOSEPH BANKS. (Banks Papers.)

H.M. ship Porpoise,

16 May.

Sir,

Spithead, 16th May, 1799.

Plants for
New South
Wales.

I take the liberty of informing you that I this day received and planted the plants sent down—two olives, two carribs, lemon grass, spring grass, cactis, ginger, strawberys, and campher plants,—all of which arrived without the smallest injury, and it is with pleasure I acquaint you, sir, that the garden is really in a flourishing condition. The vines, hops, apples, pears, peaches, nectrines, nuts, herbs, and indeed everything is in the most healthy state. Permit me, sir, as a humble and trifling return for the many favors I have received from you, since I am about to leave my native country, to give you my most sincere thanks. Believe me, sir, it is the thanks of a heart sincerely grateful, and which will ever remain so for your goodness. My wife too begs you will accept the grateful acknowledgments of her heart. Your liberality has been the means of making us truly happy and comfortable, and since my good fortune has made me an object that you are pleased to be concerned for, it will allways be my first object to render myself worthy your good opinion, which I hope I shall allways be so fortunate as to enjoy. One thing more, sir, I must intrude upon you, that is: Heaven has blessed me with a young boy, and both my wife and son are in a fair way. G.S. is happy to hear Sir Joseph Banks enjoys a good state of health; hopes Lady Banks, Mrs. Banks, Mr. and Mrs. Anfriere inherit the same blessing. That they and you, sir, may long enjoy it is the sincere wish of,

Gratitude to
Sir Joseph
Banks.

G. SUTTON.

G. CALEY TO SIR JOSEPH BANKS. (Banks Papers.)

18 May.

Sir Joseph,

Portsea, 18th May, 1799.

Carriage of
plants.

According to your request, I here send you the account of the expence of bringing the plants down, which, from London to delivering them to the ship, amounts to £1 7s. 5d.

Caley's
outfit.

I do not imagine that while I am in New South Wales I shall not want any wearing apparel, except shoes, which I have just

now wrote home about. I have not wished for them to be made at the present and sent up to London, but about the time of next Michaelmas.

1799
18 May.

As the ship has been detained so long, I had plenty of time for to have bespoke them, and took them with me, but as the ship is pretty well thronged, and I having as many articles as I can well look after, and not wanting any shoes for some time, I thought it best to act as I have above stated.

I am, &c.,

G. CALEY.

GOVERNOR HUNTER TO SIR SAMUEL BENTHAM.*

Sydney, New South Wales,

My Dear Sir,

20th May, 1799.

20 May.

Having observed by one of the annual publications which are now and then received from our friends in England that you had taken possession of a situation in our Naval Department, permit me on that occasion to congratulate not only you but our Navy.

Hunter con-
gratulates
Bentham.

Altho' my original acquaintance with you commenced when you was very young, I have, notwithstanding, had opportunities of marking the progress of your particular genius and that turn of talent which so eminently qualifies you for the very important office which you now fill—an office which will afford an ample and extensive field for the exercise of that ability in mathematical and mechanical study which you so highly possess. Old as I am growing, I shall still hope to live long enough to see some of those improvements made in the construction of our ships of the line of battle which have often appeared to me to be so very much wanted.

Bentham's
abilities.

When I had the pleasure of meeting you in London you were then engaged in some undertaking which related to the Penitentiary Houses, then proposed to be built in various parts of the Kingdom—a model of one of which I saw of your construction.† I might almost venture to say that had I been shut up in one of those cabins or cells and kept hard at work for the same length of time I have spent here that my comforts could not have been less than they have been, but my piece of mind would certainly have proved considerably greater.

An
unenviable
position.

* Printed from the Bentham Papers in the British Museum. Sir Samuel Bentham was a brother of the celebrated Jeremy Bentham. He was recognised by his contemporaries as one of the highest authorities on naval matters.—*Dictionary of National Biography*, vol. iv, p. 281.

† Millbank Prison, or *The Penitentiary* as it was called, was the outcome of the efforts of Howard and the brothers Bentham. It was constructed so that the interior of each cell could be seen from one central point; and was demolished in 1891.

- 1799**
4 July.
Tools and hardware.
- The tools and hardware sent in the Barwell and the Buffalo were a great relief, but of cloathing there were none sent in either of those ships. I found it a very difficult matter to cloath the convicts brought in the Barwell; they were wholly in filth and rags when landed. Not having ever demanded any cloathing for supplying the free people in this colony, who are to pay for it in grain or stock, no particular quantity has ever been specified for such purpose, but whatever articles may be sent for this end I will take care to direct they be correctly and distinctly accounted for.
- Returns of the state of the settlement.**
- The general returns of the state of the settlement, quantity of provision in store, &c., &c., shall not in future be omitted. I have only to hope, my Lord, that if those returns have not been as often made as your Grace might desire, that it may be attributed to the multiplied dutys which have been, and continue to be, constantly pressing upon my mind, and which keep me in continual motion from one part of the colony to another.
- The live stock.**
- There can be no doubt, my Lord, that when the live stock belonging to individuals and to the Crown is sufficiently numerous to admit of our feeding the people upon it we shall no longer require flesh provision from any other country; but to begin too early to apply it to that use wou'd only serve to retard the independence for provision of this country upon any other. I am very desirous, for that reason, that we shou'd not yet make any reduction in that valuable concern. The superfluous males have occasionally been applied to the feeding the sick. I must, however, here observe that, of the larger stock, the males which may not be requisite for propagation are yet too valuable for laborious purposes to begin to slaughter them for food.*
- The purchase of sugar.**
- With respect to your Grace's objection to the purchase of sugar,† I beg to inform you, my Lord, that it is issued as a part of the establish'd ration, and if we had none we shou'd find it necessary to serve either an additional quantity of salt meat or of grain, either of which wou'd be found in general more expensive. The ration originally establish'd in this country consisted of various articles, as in the margin.‡ We now issue only salt meat, or in lieu fresh pork, and wheat or wheat meal, together with a small quantity of sugar.
- Exportation of coal.**
- It will not be possible in this season, my Lord, to attempt carrying into effect your Grace's desire of sending coal to the Cape
- * In his letter of 3rd December, 1798 (ante, p. 512), the Duke of Portland, commenting on the increase of live stock, reminded Hunter of the great gain it would be to the Government to supply the colony with fresh meat on the spot rather than with salt meat sent from England.
- † In the early part of 1797 Hunter had purchased from the master of an American vessel—probably the Mercury—ten tons of sugar, at the rate of 1s. per pound (£1,120.)—Ante, pp. 224, 513.
- ‡ Convicts p'r week: Seven pounds of beef or four pounds of pork, seven pounds fine flour, one pint of rice, three pints of pease, six ounces of butter or a proportion of sugar. The whole of the military and all the civil officers of the colony were then allow'd p'r day half-pint spirits.

Good Hope,* the Buffalo being under the necessity of receiving some repairs which, with our few hands, will require more time than could be wish'd for enabling her to go this season to the Cape, and the Porpoise is not yet arriv'd. 1799
4 July.

I formerly mention'd to your Grace that the coal discover'd to the southward was inaccessible, being upon an abrupt dead coast where there is no inlet to secure a boat in ; but that discover'd to the northward may be got at. I have not yet had an opportunity of examining that place myself, therefore cannot say in what quantities we may be able to procure it, and what may be the most safe and eligible way of providing a cargo for a ship ; but the experiment shall be tried, my Lord, and I will endeavour myself to obtain the local knowledge requisite for ascertaining to what extent your Grace's desire can be carried into effect. Situation of the coal-seams.

I will not lose the present opportunity of mentioning to your Grace that there is the strongest reason to believe, from the experience of the whalers now upon the coast, that ships coming here properly fitted and prepar'd for the variable weather we are subject to upon it will most fully succeed.† Those ships which have kept the sea most, I am of opinion, will in five or six months more nearly complete their cargoes of the true spermaceti oil ; but most of those ships having come hither ill-prepar'd for the weather they are sometimes liable to here, but fitted only for the certain and serene weather they meet on the coast of Peru, have had frequent occasion to return to this port for repairs, and not having sufficient naval stores on board for their own use much time has been lost. We have been so sparingly supplied with such articles, I have had it but little in my power to assist them, and our own boats and small craft have been render'd useless for want. Every sort of woodwork those ships have requir'd they have had abundantly supplied, and such iron as we could afford them. Prospects of the whale-fisheries.

Your Grace, I hope, will pardon me for the observation I am about to make. I am aware, my Lord, it can have no connection with your Grace's office or department, yet I cannot resist the desire I have of mentioning it, for, my Lord, I feel as a professional man for the naval officers employ'd on this distant service, where they can have no prospect of promotion in the line of their profession, whilst by every arrival from England they have the mortification to find hundreds stepping over their heads, many of whom had scarcely left school when some serving here had obtain'd the rank they now hold ; and to add still more to the distress of their feelings, they observe rapid promotion taking place amongst Difficulty of refitting at Sydney.

* The Duke of Portland's instructions relative to the exportation of coal in the Porpoise and Buffalo were contained in a separate letter of 21st December, 1798 (ante, p. 519). The idea was to furnish coal and timber to the settlement at the Cape and receive live stock in return.

† Ante, p. 585

1799
4 July.
Lieutenant
William
Kent.

His voyage
from the
Cape.

the military serving here, whose duty in point of hardship or severity cannot be in any way compar'd with theirs.

By the condemnation of the Supply and arrival of the Buffalo, I find the service requires that I shou'd appoint Lieuten't William Kent, who commanded the former, together with his officers and crew, into the Buffalo. This officer having held his present rank eighteen years, I took an opportunity in my former dispatches to the Admiralty Board to recommend him to the notice of their Lordships on the plea of his zeal and exertions in the service of this colony, particularly manifested in his return from the Cape with a cargo of live cattle when it was expected there that his ship wou'd founder on her voyage back, so extrem'ly defective was the state of the Supply at that time.* He arriv'd, it was true, but in a most distress'd condition, and his ship was immediat'ly survey'd and condemn'd as unfit to trust the lives of the men in. This officer has now that service to perform in another ship, and I shall venture again to recommend him to the consideration of their Lordships, altho' I may probably be equally unsuccessfull for the want of a more powerfull advocate upon the spot.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

Promissory-note.

No. 2,065.

Sydney, 22nd October, 1798.

A negotiable
instrument.

I PROMISE to pay William Miller or bearer the sum of fifty-nine pounds five shillings sterling on account of Government, being for two hundred and thirty-seven bushels of maize.

£59 5s. st'g.

JAMES WILLIAMSON,

Paid.

Act'g Commissary.

Approved, JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

10 July.

My Lord Duke,

10th July, 1799.

A remark-
able voyage.

Soon after I had completed my letters to your Grace which will be receiv'd herewith, I had the honour of receiving your Grace's despatches of the 18th Sept'r and 3rd Dec'r, 1798† (in triplicate), by the ship Albion, which performed her voyage from England to this port in three months and fifteen days.‡

* See Hunter to Nepean, 10th July, 1797, ante, p. 278; and also Hunter's despatch to the Duke of Portland, 25th June, 1797, ante, p. 236.

† Ante, pp. 489 and 512.

‡ This was then the fastest passage on record. Collins thought the feat so noteworthy that he gave the dimensions of the vessel, which are interesting as descriptive of the ships then in vogue. They were as follows:—Length of keel, 86 feet; extreme breadth, 27½ feet; depth in hold, 12 feet; height between decks, 6 feet; measured burden, 362 tons.

G. CALEY TO SIR JOSEPH BANKS.

1799

(Banks Papers.)

3 June.

Sir Joseph,

Portsea, 3 June, 1799.

Being on board and finding no signs of sailing, together with the ship being over and above crowded with what is customary while lying at Spithead, induced me to obtain leave of Gov. King for to go into the Isle of Wight, but I have to regret that my time would not admit of close examination, therefore I can only consider it as a cursory tour. I cannot say that I met with any plant that appeared strange to me, except the enclosed specimen, and what it is I am totally ignorant of. I have never seen the like before, neither wild nor cultivated. But all that I have at the present to trust to is memory, as I cannot get to any of my books.* Knowing that I should not have an opportunity of closely examining it, I made the following remark upon it when I first found it: *Pentandria Monogynia Cal. 5 phyllus. Cor. monopitula 5 lacinus. pist. germen inferum, stigmata 3 pertrilocularis trivalvis.* I found it upon the surmit of the cliff, within a few roods to the west, opposite to Mirables. I looked for it in other such-like places, but did not prove successful. If it should prove to be in any measure new to the British flora, I am afraid few botanists will be able to meet with it, as it grows in a place that may appear dreadful to look at by many persons, though the situation is by far from being dangerous to come at. I could not meet with any specimens that had got ripe seeds, so I took up some living plants, but by growing in a dry parched soil, which would not adhere to the root—and, moreover, it appearing to be an annual—causes me to doubt whether I shall be able to procure any seed. The white powder is a specimen of a mineral which I met with at Knowles, the place where the ground gave way after a severe frost, which was credulously reported to be an earthquake. The water appeared as if some lime had been thrown into it; upon tasting it I found it to be acid and astringent. I obtained the powder by taking the scum of the water, and afterwards drying it in the sun.

Caley visits the Isle of Wight.

A new plant.

Specimens.

Week after week keeps passing away, and no talk of sailing almost drives me melancholy; indeed, if it was not for hope, I should be wearied of my life. Expecting to sail almost every day and months elapsing, to an eager mind, is a great mortification. Being on board till the ship gets underweigh, through so much confusion, as not to get to an individual article, is very despairing, and being on shore in the dearest port of the nation is another serious thought. I find that about ten miles from Portsmouth there are some good places for a botanist, which, if I had known when I first came down, I would have resided at, if I had had for to have come to Portsmouth every day. It grieves me to think

Waiting for sailing orders.

* Post, p. 681.

1799
10 July.

labour, I am happy, particularly so, to find that I have had the precaution to direct (notwithstanding what your Grace had formerly written) that the Commissary shou'd charge an advance upon the prime cost of the different articles, by way of defraying the expence to the Crown in sending them here. It was my intention to have proposed this measure, and to have waited your Grace's orders for that purpose. I am glad, however, that by this last dispatch I feel myself fully authoris'd in that particular agreeable to the orders which I had previously given, except in the amount of the advance, which I had establish'd at 25 per cent., and at which I propose it shall stand, instead of 10 or 15 as propos'd by your Grace, untill I receive farther orders. Those articles will be cheap to the people when compar'd with the heavy impositions of speculators.

The margin
of profit.

Suffer me here, my Lord, to recur to my letters* on the subject of a public store on account of Government; and to observe, that as 100 per cent. is the least demanded by those who bring articles here for sale, and from that up to 1,000, and sometimes more, that such store I conceive by a small profit from 25 to 50 pr. ct. wou'd lessen the expence of maintaining the convicts, or were it only made sufficient to defray the expence of the civil establishm't it might be thought an object, and wou'd certainly be a public benefit here. Your Grace will pardon me for these suggestions.

Enormous
profits of
traders.

I beg to offer your Grace my best acknowledgement for your kind condescension in noticing my recommendation of the son of Captain Johnston. That steady and active officer has constantly aided me with his utmost exertions, and greatly reliev'd me from that continual anxiety which the public service here will for some time to come occasion to him who commands in chief.

Captain
George
Johnstone.

Pork-curing
at Norfolk
Island.

With respect to the curing of pork upon Norfolk Island, I will give it every encouragement in my power, but I beg to suggest to your Grace that the packages in which salt meat brought here is in general sent are so extrem'ly feeble by the time we empty them that there is scarcely one in one hundred fit for that purpose again. I have directed that the different kinds of timber be tried in order to discover if we have any fit for staves; but hoops and more salt-pans must be sent us.

Losses by
bush-fires.

Upon the loss which your Grace regrets our having suffered by the dreadful fires we are so subject to in summer, I must observe that I am happy to find I had long since anticipated your Grace's ideas upon. If it were convenient to look into my Public Orders sent home, an Order to the same effect as that your Grace has propos'd will be seen to have been issued on the 24th November 1797,† since which a few idle and worthless people only have suffer'd from a neglect of this precaution.

* Ante, pp. 219, 344, 390.

† Ante, p. 300. See also pp. 219, 491, 514, ante.

It is therefore to be understood by superintendants and overseers that the working gangs are to be continued at their work until 2 o'clock ; and if any shall be permitted to have a breakfast hour, which does not appear by the late hour they begin their work necessary, such people are to continue at their work until 3 o'clock.*

1799
11 June.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

15th June, 1799.

15 June.

Parole—Cantyre.

Countersign—Argyle.

NOTICE is hereby given that certificates will be granted to such men as have completed their term of transportation on Thursday, the 20th instant, and on Friday to such women as may be intitled to them.

Certificates
of discharge.

JNO. HUNTER.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

Dear Sir,

Porpoise, Spithead, 18th June, 1799.

18 June.

Three convoys, i.e., one for Lisbon and the East and West Indian convoys, sailed and are sailing to-day. We are, unfortunately, doomed to remain, which will be subjecting us to another year's bad passage between the Capes of Good Hope and New Holland. I fear we have been forgot at the Admiralty. The whaler goes with the East India convoy, which sails to-day. I should have informed you of my receiving your last letter with the enclosure for Cayley. I showed the drawing of the animal to Capt. Phillip and Paterson, as well as several others who are here, all of whom agree that no such creature was ever seen ; but Cayley will keep a good look out for it. As this is the twentieth week since I came down here in a snowstorm, and have ever since been living at a Portsmouth expence, under the daily expectation of sailing, and finding myself four hundred pounds in debt to my agent, I am obliged to avail myself of living on board, notwithstanding the disagreeable situation my family is in, from the circumstances of the people around us, until we sail. I mention this only to convey an idea of the disappointment and anxiety I must naturally feel at our being left, when our being delayed at the Cape after February will certainly be the destruction of the valuable collection you have placed on board her, and which will be such a great acquisition to the colony. Nothing can be more thriving or in better order than the whole garden is in ; and I sincerely hope that we shall be able to preserve it as well as it now is, but I fear it very much, if we do not go soon. I beg my best respects to Lady Banks.

Protracted
delay
of the
Porpoise.

Expense in-
curred by
waiting at
Portsmouth.

I am, &c.,

PHILIP GIDLEY KING.

* Ante, pp. 61, 384, 416, 498.

1799 of a tree ; and a web from that bark is cross'd at one end with a
10 July. thread of wool. These specimens, I hope, will satisfy your Grace
that much may be done here in that way in due time.

Destructive
storm.

Every exertion is now making to recover the misfortunes sustain'd in some of our public buildings by the late tempestuous weather, and I look forward with hope that we shall have surmounted most of them by the end of this year. The prison I had propos'd will be large and substantial, built of stone, of which we have abundance fit for such use. But finding that it would create much expence, as well as much time, I called a meeting of the officers, chief inhabitants, and landholders, and deliver'd my sentiments upon our late accidents, as in the inclosed paper, with which desire on my part they readily complied, and that goal is now erecting at their expence, except in such iron as may be necessary, which will be supplied from his Majesty's store.

A new gaol.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

GOVERNOR HUNTER TO THE SETTLERS.

Gentlemen,

The effects
of the storm
of June,
1799.

The unfortunate accidents and public losses which have been occasion'd by the late tempestuous weather have been such as to render it necessary on my part to pursue some decided step, not only for the more effectually and expeditiously recovering, as far as it may be possible, the time which has been lost by these misfortunes, but for the purpose also of relieving Government from the expences attending the erecting such public buildings as are generally rais'd in the mother country at the expence of the inhabitants of the respective countys in which they are found requisite. It is scarcely necessary, gentlemen, to tell you that wherever the labouring servants of the Crown have been found sufficient for carrying on the public works which have been from time to time seen wanting, I have uniformly avoided calling in the aid of the inhabitants, or in any way creating an expence which might be seriously felt by them. But that such buildings as goals or public prisons are indispensibly necessary in this colony, I believe that none of its more industrious inhabitants will deny ; and that a substantial and permanent one is particularly requisite in the town of Sydney, in which all our criminal trials take place, is, I believe, equally evident.

Hunter in-
vites the aid
of the in-
habitants

In building
the gaol.

It will therefore be wholly unnecessary in me to dwell upon the expediency of some prompt or immediate step being pursued for the purpose of finishing offhand the goal, which is now in a certain degree of forwardness, and without which the magistrates and others employ'd under their authority in preserving the peace and the good order of the settlement must continue to experience much trouble and fatigue.

remain on board or go on shore, expences keep still presenting themselves by consuming matters that ought to have been done while in foreign ports. As the season is greatly advanced, and I never expect to have an opportunity of being any length of time in the south of England again, I should like to make an excursion every now and then about the distance of twenty miles from Portsmouth. But in these excursions I cannot make that discovery as a person that is settled; for when anything presents itself that I do not thoroughly understand I have not the opportunity of cultivating it. This is the method that Mr. Curtis's late gardiner used to do—if they proved to be what was known before, they were easily cast away. Parcels of this description are not worth the carriage of sending to town for to be cultivated. I flatter myself in saying that I can travel upon as little expences as most people, but I found the Isle of Wight to be an expensive place. I imagine this is owing to its being a place of great resortment to in the time of summer, and to the great number of soldiers that are stationed along the coast; but it is certainly a delightful place for a botanist to visit.

1799

25 June.

Caley's
botanical
excursions.

Governor King ordered his grocer to furnish me with as much tea and sugar as he (the Governor) thought proper, and also some shot, for he said I could not get any in New South Wales, though powder I might. The former, had it not been for custom, I would have gone without, for I think it is carrying the matter to too great an expence. Whatever another person can live upon, I can do the same.

Groceries.

Soon after I had sent you the small plant enclosed in the letter, with much trouble I got to my books, and found it to be nothing more than *Campanula hybrida* in a minute state, owing to its parched, elevated growth. It was one of the few that was not in Mr. Curtis's desiderata of British plants the time that I was with him. Its corolla being deeply divided, never caused me to think of its being a *Campanula*. The drawing that you sent to me, I will do my best to prove whether it is a deception or not. The garden on board the ship is in a flourishing state.

A botanical
specimen.

I am, &c.,

GEORGE CALEY.

Memo. by Sir Joseph Banks.:—June 27. Sent him £10.

GOVERNMENT AND GENERAL ORDER.

27th June, 1799. 27 June.

Parole—Camberwell.

Countersign—Walworth.

THE Commissary is directed to issue on Saturday next to each man belonging to the public working gangs of Sydney and

Clothing for
convicts.

1799 THE TRANSPORT COMMISSIONERS TO UNDER SECRETARY KING.

23 July.

Sir,

Transport Office, 23rd July, 1799.

Detention
of the
Minerva.

Expenses
incurred by
the owner.

In addition to our letter to you of the 18th of January last, inclosing the copy of one from Mr. James Duncan, upon the subject of the detention of the ship *Minerva* at Cork (ever since the month of August last), hired by this Board to convey convicts from thence to New South Wales, we beg to inclose to you, for the information of his Grace the Duke of Portland, copy of a letter which has been transmitted to us by Mr. Duncan, from Mr. Charnock, the owner, and to observe that, besides the hardships which he represents to be sustaining, the expence to Government is more than five thousand pounds p. annum.

We are, &c.,

RUP'T GEORGE.
AMBROSE SERLE.
IN. HUNT.

[Enclosure.]

MR. ROBERT CHARNOCK TO MR. JAMES DUNCAN.

Sir,

Finsbury Square, 16th July, 1799.

The *Minerva*
at Cork.

Detained
fourteen
months.

Heavy loss
entailed on
owner.

Asks for
demurrage.

I have received a letter from Captain Salkeld, commander of the *Minerva*, dated Cork harbour, the 30th ult'o, advising me that he was still detained there without the least prospect of a time being fixed for his departure for New South Wales. It is needless for me to tell you the hardships I am, and have been, suffering from the long detention of that ship, which, one way and another, now exceeds fourteen months, since she ought to have been dispatched, by which detention she has now lost two seasons in which she ought to have been loaded from India home, and instead of her finishing her voyage in sixteen or eighteen months it will now exceed three years, as it is impossible that she can arrive in India so as to be loaded there to proceed for Europe before the months of October and November, 1800; and to say the best of the voyage, it will be attended with a heavy loss to me, who am sole owner of the ship, which to her first cost and outfit I have been adding an immense expence for wages and victualling the crew from the time she left Deptford till now. Under all the hardships of the case, I trust that you will oblige me and state my situation to the Hon'ble Commissioners of the Transport Board, that they will be pleased to take the matter into their consideration, and pay you the demurrage due to me for the detention of said ship, or that they will make you such further

known as the Brickfields, to labour at the erection of the gaol until it should be completed. In January, 1800, being still dissatisfied with the progress made, Hunter directed that a levy or toll of sixpence should be collected for this purpose on each bushel of wheat delivered by settlers at the public store. Governor King reported in August, 1801, that the gaol had been completed, and that the cost was £23,964. The gaol was situated at what is now the northern corner of George and Essex streets. Collins described it as "handsome and commodious," with separate apartments for debtors and six strong and secure cells for condemned felons. See also ante, p. 678 (note).

THE CIVIL AND MILITARY DEPARTMENTS.

683

Time.	Settlements.	Civil Department.														Military Department.											
		Captain-General and Governor-in-Chief.	Deputy Judge-Advocate.	Surveyor of Lands.	Provost-Marshal of the Territory.	Chaplain.	Surgeon.	Assistant Surgeons.	Deputy Surveyor of Lands.	Deputy Commissary and Acting.	Superintendents, Storekeepers, &c.	Boat-builder.	Women.	Children.	Major.	Captains.	Lieutenants.	Ensigns.	Quartermaster and Deputy Commissary.	Surgeon.	Serjeants.	Corporals.	Drummers.	Privates.	Women.	Children.	
1790.																											
June 30..	Sydney	1	1	1	1	1	1	1	1	4	1	2	3	1	3	3	2	2	1	1	18	16	12	263	63	74	
"	Parramatta & Toongabbee.	..	..	..	..	1	..	..	..	7	..	3	7	..	1	1	..	..	..	..	3	3	2	71	40	47
"	Hawkesbury .....	..	..	..	..	..	..	..	..	1	..	1	..	..	..	1	..	..	..	..	..	3	..	20	14	15

1790
30 June.
State of the
settlements.

1799

24 July.

Port Jackson, being less frequent, would render this less practicable; but we trust that as you have had sometimes occasion to require supplies from hence, the additional motive of procuring settlers would be sufficient to induce you to do so again in preference to sending to other Indian ports; in which event, if a public or private freighted ship should be employed, we might be provided with a passage at little or no expence to Government. I have hitherto confined the subject to myself and friends; but in the event of the proposal being thought by you worthy of attention, I am confident there are numbers who would gladly embrace the same opportunity, if acquainted with it in time.

Conditions
of settle-
ment.

That your Excellency may have the subject fully before you, I beg leave to enclose a memorandum of what we deem necessary for us. With respect to our characters or conduct, we are confident they cannot suffer by any enquiries you may deem necessary to make.

Transport-
ation of
Bengalese.

One point further may be thought worthy of your consideration. I am officially acquainted with the commission Dr. Beyer is charged with of communicating to your Excellency the wishes of this Government on the subject of transporting Bengal convicts, and I beg leave to submit whether, in the event of such a measure being approved by you, it would be satisfactory to you and advantageous to the colony to have persons there who were acquainted with the language, customs, and dispositions of the natives of Bengal? At all events, I should beg to be favoured with your Excellency's sentiments on the propriety of our taking a few Bengal convicts with us, if allowed by this Government.

The writer's
object.

I hope your Excellency will have the goodness to excuse this address, and to deem it, what it really is, an earnest endeavour to procure, what every man who is a husband and a father must consider the first object of his regard, an honest, however hardly earned, establishment for his children.

I have, &c.,

A. C. SEYMOUR.

His address.

P.S.—Should I be honoured, through any of your officers, with the communication of your Excellency's sentiments on this subject, I request you will have the goodness to order it to be directed to — A. C. Seymour, Register in the office of the Secretary to Government in the Judicial and Revenue Department, Fort William.

[Enclosure.]

CONDITIONS OF SETTLEMENT.*

MEMORANDUM of what we deem necessary to enable us to become settlers at Port Jackson.

A free
passage for
settlers

First.—To be conveyed to Port Jackson at the expence of Government in any manner your Excellency may think advisable,

* See also ante, pp. 358 and 411.

ROBBERY AND HOUSEBREAKING.

685

GOVERNMENT AND GENERAL ORDER.

1799

2nd July, 1799.

2 July.

Parole—Active.

Countersign—Vigilant.

By the late increased number of nocturnal robberies we have much reason to suspect that the petty constables and divisional watchmen are either extremely negligent in their duty, or that they suffer themselves to be prevailed on by the housebreakers to be less vigilant than they ought to be, and to connive at their depredations upon the honest and industrious; a continuance of this unpardonable remissness in the duty they are charged with will certainly give room for strong suspicion of their honesty, and dispose the more respectable inhabitants to suppose them partakers with the thieves.*

Negligence
or con-
nivance of
constables.

It is hereby particularly recommended by the Governor to every officer in the colony, as they value the security of their property, to give their utmost assistance to those immediately concerned in the direction of the executive part of the civil police in putting, as early as possible, a stop to so very great an evil.

Officers
invited to
co-operate.

It is also particularly recommended to the chief inhabitants of the towns of Sydney and Parramatta that they select a few of the most respectable of their number in each division of the towns, whom they may authorize to consider of the most effectual means of detecting the robbers and bringing them to trial; whether by such reward as they may be enabled to offer, or by small divisional patrols for the night service, and who shall take that duty by turns, and be under the immediate direction of a respectable inhabitant of their own choice, or an officiating constable selected from amongst the most sober and vigilant of that description of people; this may serve as a spur to the exertions of the divisional watchmen.

Inhabitants
to elect
repre-
sentatives

When any proposal for the above purpose shall be submitted in writing, let it be sent to the Judge-Advocate's office for the consideration and approval of the magistrates, who will form a full Bench on that occasion.†

and report
to Judge-
Advocate.

JNO. HUNTER.

GOVERNMENT AND GENERAL ORDER.

3rd July, 1799.

3 July.

Parole—Orderly.

Countersign—Obedient.

THE continual complaints which are made to the Governor of the refractory and disobedient conduct of the convict women call aloud for the most rigid and determined discipline amongst those

Female
convicts.

* This opinion was not always entertained by Hunter respecting the constabulary.—Ante, pp. 216, 505, 686.

† Collins remarked that this Order "seemed to have been attended with some effect, for in a few days several idle people who, being out of their time, were employed only in wandering from one district to another, without any visible means of getting their bread, were apprehended, and, being examined before the sitting magistrate, were ordered to labour in the gaol-gang."

1799

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

27 July.

Sydney, New South Wales,

My Lord Duke,

27th July, 1799.

Arrival of
the Albion
and Hills-
borough.

The Albion, south whaler, anchor'd here on the 29th of June, and deliver'd nine hundred tuns of salt pork, and the Hillsborough, transport, arriv'd yesterday, in which had been embark'd three hundred convicts, but I am sorry to say that such had been the mortality on board that ship two hund'd and five only were landed here, and of that number six are since dead; most of them must for a time be placed in the hospitals.

Clothing.

Here again, my Lord, I am compell'd, much against my inclination, to recur to my former representations of the want of cloathing and blankets.

Convicts
landed in
rags.

These people have been put on board this ship with a miserable matrass and one blanket, and the cloaths only in which they embark'd, not a supply of any kind to land them here in, and those worn on board the ship are not fit to be taken on shore; yet, ragged as they are, I cannot suffer even those things which are liable to carry infection to be destroy'd, because I have nothing to supply in lieu, the whole colony being naked. I will direct every means to be us'd for preventing the goal fever (which I understand to be the principal malady) from being introduc'd into our hospitals. Permit me, my Lord, to solicit most earnestly that your Grace may issue such directions on the subject of cloathing for the people in this colony as may serve to furnish us with an early supply.

The goal
fever.

No clothing
for three
years.

Your Grace may be assur'd that since the arrival of the Sylph* near three years ago no general supply of slop cloathing and bedding has been receiv'd here, altho' by your Grace's letters I have had reason to expect some supplys in several different ships which have been here, but no supplys of that nature had been put on board except in one or two instances, in which enough to new cloath the convicts brought in the particular ship before they were landed were sent; those in the country have remained destitute. It has been particularly fortunate that some time past I had put a stop to the original plan establish'd here on the subject of slop cloathing, viz., that they be issued regularly at stated periods. Had I follow'd strictly that regulation we shou'd not have been so long able to supply the wants of real objects—to those only have all our late issues of such necessaries been confined, and the savings made from this precaution are now wholly exhausted.

Cessation of
regular
supplies of
slops.

The sick will require to be fed wholly on fresh provision for some little time, which I am happy to say I can afford them.

I have judg'd it necessary for the advancement of his Majesty's service in the concerns of this colony to appoint into the ship

* The Sylph arrived at Sydney 17th November, 1796.

manner in which the various sums are paid here for such grain or swine's flesh as may from time to time be taken into the store from individuals ; and altho' I have formerly mention'd that the salaries of superintendants, storekeepers, and crew of the Colonial schooner are all paid here on the spot, and consequently what may be issued from the Treasury for these uses shou'd be repaid into it by the agent ; yet I will here observe that all these respective sums being issued in promissary-notes in the name of the Commissary, payable on demand, and approv'd by the Governor to give them validity, when paid away by the different individuals for such articles as they purchase from masters of ships or other persons, they are consider'd by such dealers whilst here as effectual value for their goods, and when they are about departing from hence they apply to have them consolidated by bills on the Treasury. Your Grace will see clearly by the nature of those purchases that no other account can be transmitted than the Commissary's vouchers, shewing to what uses the sums drawn for have been applied. To make this more clear and satisfactory to your Grace, I will inclose two or three of those promissary-notes which have been cancel'd, and which constitute our only current money. And these, my Lord, are different from any issued on account of Government before my time. I will also inclose a copy of the list* deliver'd by the Commissary to me when he offers notes for my approbation. As a voucher for the expenditure of this money, each person subscribes his name opposite the quantity of wheat, maize, or swine's flesh he may have sold to the store, and this signature is a receipt from the party to the Commissary that he has been paid. Similar lists are sent home by the Commissary with his accounts. But in future, my Lord, when any kind of stores are purchas'd from strangers for the use of the colony, to satisfy your Grace as far as it may be in my power, and to shew the necessity, a list of such purchase shall be sent, independent of the regular vouchers, with the prices paid annex'd.

1799

4 July.

Salaries.

Commissary's notes.

The only currency.

Lists sent home.

Applications for stores and clothing.

I beg permission to observe, my Lord, that the demands for stores and cloathing which were sent home by Mr. Commissary Palmer were made out strictly in the manner your Grace has desir'd ; the quantity demanded was in one column, and the quantity remaining in another.† Those demands, my Lord, are the only ones made by me, but not having been supplied as our necessities requir'd, I have had occasion to mention in my various letters since that we were in want. I shall only add at present upon that subject that we have not an article of any kind of cloathing in the colony or upon Norfolk Island, or a blanket to shelter the people from the cold of the night.

* Not available.

† See Portland's instructions to Hunter concerning the form in which returns demanding stores, &c., were to be made out.—Ante, p. 512.

1799 P.S.—Mr. Mason, who is now surgion of the Buffalo, and who
 23 July. is so attach'd to this country that he proposes to continue in it
 A surgeon's if he can have the favor of a passage hither for his wife and
 wife and three children, shou'd she apply to you, it will be doing a kind-
 family. ness to a deserving man, and no doubt a service to the colony, if
 you will have the goodness to order a passage for her in any ship
 coming here.

GOVERNOR HUNTER TO SECRETARY NEPEAN.
 Sydney, New South Wales,

15 Aug. Sir, 15th August, 1799.
 The Reliance Having receiv'd information by dispatches from his Grace
 and Supply. the Duke of Portland of 6th February, 1798, that two ships were
 purchas'd for the purpose of replacing his Majesty's ships the
 Reliance and Supply on the service of this colony—the first of
 which being too weak and infirm to be longer employ'd here,
 and the latter being completely condemn'd as a mass of rotten
 timber; and having also learnt by letter from the Commissioners
 of his Majesty's navy that the Buffalo and Porpoise were fitting
 The Buffalo for this service, and desiring that I may furnish by the earliest
 and Porpoise. and cheapest conveyance a passage to England for the officers and
 men who might navigate them hither :
 Arrival of The Buffalo having arriv'd in this port on the 3rd of May last,
 the Buffalo. I take the first opportunity of requesting you will be pleas'd to
 inform their Lordships thereof, and also to mention that I have
 found it necessary, for the advancement of his Majesty's service in
 the concerns of this settlement, to remove into the Buffalo the
 officers and crew of the Supply (who have been ever since the
 condemnation of that ship employ'd in various ways upon the
 service of the colony), and to fit her with all possible dispatch for
 a voyage to the Cape Good Hope this season. The Porpoise not
 being yet arriv'd, I fear she will be too late to be prepar'd in
 time for the same service.
 Return of After having understood that their Lordships had order'd the
 the Reliance. above ships for this service, and altho' I had no information from
 the Admiralty respecting them, I yet conceiv'd that as two ships
 only were design'd to be employ'd here, and as I had given the
 Reliance such repairs as would enable her with safety to return
 home, I felt it my duty to direct Captain Waterhouse, her second
 commander, to be prepar'd to proceed this season round Cape Horn
 on his return to England.
 Hunter to The Buffalo being the superior of the two ships designed to be
 command employ'd here, I can have no doubt of its being the intention of
 the Buffalo. their Lordships that she shou'd be upon the same establishment
 as the Reliance has been, and that the chief command of that
 ship is intended for me, in order to my continuing to hold the
 authority of senior officer of his Majesty's ships employ'd on the

Good Hope,* the Buffalo being under the necessity of receiving some repairs which, with our few hands, will require more time than cou'd be wish'd for enabling her to go this season to the Cape, and the Porpoise is not yet arriv'd. 1799
4 July.

I formerly mention'd to your Grace that the coal discover'd to the southward was inaccessible, being upon an abrupt dead coast where there is no inlet to secure a boat in ; but that discover'd to the northward may be got at. I have not yet had an opportunity of examining that place myself, therefore cannot say in what quantitys we may be able to procure it, and what may be the most safe and eligible way of providing a cargo for a ship ; but the experiment shall be tried, my Lord, and I will endeavour myself to obtain the local knowledge requisite for ascertaining to what extent your Grace's desire can be carried into effect. Situation of the coal-seams.

I will not lose the present opportunity of mentioning to your Grace that there is the strongest reason to believe, from the experience of the whalers now upon the coast, that ships coming here properly fitted and prepar'd for the variable weather we are subject to upon it will most fully succeed.† Those ships which have kept the sea most, I am of opinion, will in five or six months more nearly complete their cargos of the true spermaceti oil ; but most of those ships having come hither ill-prepar'd for the weather they are sometimes liable to here, but fitted only for the certain and serene weather they meet on the coast of Peru, have had frequent occasion to return to this port for repairs, and not having sufficient naval stores on board for their own use much time has been lost. We have been so sparingly supplied with such articles, I have had it but little in my power to assist them, and our own boats and small craft have been render'd useless for want. Every sort of woodwork those ships have requir'd they have had abundantly supplied, and such iron as we cou'd afford them. Prospects of the whale-fisheries.
Difficulty of refitting at Sydney.

Your Grace, I hope, will pardon me for the observation I am about to make. I am aware, my Lord, it can have no connection with your Grace's office or department, yet I cannot resist the desire I have of mentioning it, for, my Lord, I feel as a professional man for the naval officers employ'd on this distant service, where they can have no prospect of promotion in the line of their profession, whilst by every arrival from England they have the mortification to find hundreds stepping over their heads, many of whom had scarcely left school when some serving here had obtain'd the rank they now hold ; and to add still more to the distress of their feelings, they observe rapid promotion taking place amongst Disappointment of naval officers.

* The Duke of Portland's instructions relative to the exportation of coal in the Porpoise and Buffalo were contained in a separate letter of 21st December, 1798 (ante, p. 519). The idea was to furnish coal and timber to the settlement at the Cape and receive live stock in return.

† Ante, p. 285

1799 the military serving here, whose duty in point of hardship or severity cannot be in any way compar'd with theirs.

4 July.
Lieutenant
William
Kent.

His voyage
from the
Cape.

By the condemnation of the Supply and arrival of the Buffalo, I find the service requires that I shou'd appoint Lieuten't William Kent, who commanded the former, together with his officers and crew, into the Buffalo. This officer having held his present rank eighteen years, I took an opportunity in my former dispatches to the Admiralty Board to recommend him to the notice of their Lordships on the plea of his zeal and exertions in the service of this colony, particularly manifested in his return from the Cape with a cargo of live cattle when it was expected there that his ship wou'd founder on her voyage back, so extrem'ly defective was the state of the Supply at that time.* He arriv'd, it was true, but in a most distress'd condition, and his ship was immediat'ly survey'd and condemn'd as unfit to trust the lives of the men in. This officer has now that service to perform in another ship, and I shall venture again to recommend him to the consideration of their Lordships, altho' I may probably be equally unsuccessfull for the want of a more powerfull advocate upon the spot.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

Promissory-note.

No. 2,065.

Sydney, 22nd October, 1798.

A negotiable
instrument.

I PROMISE to pay William Miller or bearer the sum of fifty-nine pounds five shillings sterling on account of Government, being for two hundred and thirty-seven bushels of maize.

£59 5s. st'g.

JAMES WILLIAMSON,

Paid.

Act'g Commissary.

Approved, JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

10 July.

My Lord Duke,

10th July, 1799.

A remark-
able voyage.

Soon after I had completed my letters to your Grace which will be receiv'd herewith, I had the honour of receiving your Grace's despatches of the 18th Sept'r and 3rd Dec'r, 1798† (in triplicate), by the ship Albion, which performed her voyage from England to this port in three months and fifteen days.‡

* See Hunter to Nepean, 10th July, 1797, ante, p. 278; and also Hunter's despatch to the Duke of Portland, 25th June, 1797, ante, p. 236.

† Ante, pp. 489 and 512.

‡ This was then the fastest passage on record. Collins thought the feat so noteworthy that he gave the dimensions of the vessel, which are interesting as descriptive of the ship then in vogue. They were as follows:—Length of keel, 86 feet; extreme breadth, 27½ feet; depth in hold, 12 feet; height between decks, 6 feet; measured burden, 362 tons.

I am highly gratified by your Grace's approbation of the measures I had adopted for improving our civil police, and compelling a proper attention to all public regulations; your Grace's observation relative to the necessity of rigid discipline and good order in the situation I have the honour to fill is, indeed, my Lord, most strictly just, and I have no doubt under your Grace's authority of receiving the full countenance and support of his Majesty's Government in my exertions to that end.

1799

10 July.

Portland's approval of Hunter's actions.

Permit me, my Lord, to inform your Grace, that in the supply of stores receiv'd by the Barwell and Buffalo, cloathing has been intirely omitted; and your Grace will discover from some of my letters, forwarded herewith, what shifts and difficultys I have been driven to on that account. The labouring men have been working in the field and other places literally naked as the natives of the country, and the present inclement season has for want of the necessary cloathing and blankets reduc'd the people to great distress, and plac'd too many in the hospitals.

Want of clothing.

Labourers naked in the fields.

Upon the subject of the speculations, traffic, and monopolys, of which I have complained, your Grace will allow me to assure you that every means within my power for preventing its bad effects have been most fully resorted to in Public Orders, copys of which I have regularly transmitted to shew your Grace what were my objects from time to time.* These may serve to convince your Grace that such complaints as I have found occasion to make upon those speculations and other causes wou'd have been unnecessary had such Orders been effectual; but you will see, my Lord, that where I must depend for their due execution on persons interested in their failure, how little is to be expected from such Orders.† Time, my Lord, will no doubt get the better of those inconveniences. The common necessaries of life will before long, I trust, become less expensive than they now are, and every hardworking and laborious individual will receive his share of those comforts which are to be obtain'd in this country by industry.

Hunter's efforts to prevent monopoly.

His orders disregarded.

The articles which your Grace has propos'd shou'd be supplied to such persons as may be off the public store and labouring for themselves, and which are to be paid for in the produce of their

Stores for sale to private persons.

* Hunter is here replying to the opinion expressed by the Duke of Portland that the evils arising from speculation and traffic on the part of the officers of the Government would have largely, if not entirely, disappeared had Portland's orders, to decrease the number of farm labourers allowed to the officers, been carried out.—Ante, p. 490.

† Portland could not understand the position in which Hunter stood. He informed him that, "It is certainly in your power, as well as it is your duty, to prohibit by the most positive orders all officers of Government, civil or military, from selling any spirituous liquors to the convicts or settlers." Hunter apparently felt himself unequal to the task of insisting on the obedience of the whole of the officers; he repeatedly prohibited in Public Orders the unlicensed vending of spirituous liquors, the erection of stills, and the practice of paying for grain in spirits; but his Orders were framed in a general way, and not directed specifically against the officers.—In fact, he publicly expressed his approval (ante, p. 408) of the trading agreement entered into between the officers and principal inhabitants (ante, p. 405), which approval was one of the causes of his recall.—Portland to Hunter, 5th November, 1799, post, p. 734.

1799

22 Aug.

Cotton-seeds
to be
forwarded
to Banks.Engines for
collieries.

Seeds.

George
Caley.

now going), who has long been a cotton-planter in Georgia and the Bahamas. From this gentleman I have received much satisfactory information respecting that plant, from which I have discovered the great errors we laboured under in our attempts, and the more than probable chance of any future attempt succeeding, which I shall pay attention to. Mr. Wall has very kindly given me (in addition to much other information) written directions respecting its culture, &c., a copy of which I enclose. If a sufficiency of this article can be raised to go towards cloathing the inhabitants, may it not hereafter be an object to send to China, where cotton from India sells extreemly well? I shall take care of the seeds you have already given me, and do not doubt of finding many remaining from what I previously planted. But that we may be at no loss for seeds, I have requested Mr. Wall to forward me some of the best kinds, and have taken the liberty of desiring him to address them to your care. He desires me to inform you that if he can be anyways serviceable in your benevolent pursuits for the welfare of mankind that he shall be happy and proud to receive your commands, which will reach him at the Bahamas through the hands of Messrs. Simpson and Davidson, merchants, in London. Not having any idea of the make of a cotton-card or a portable gin for extracting the seeds from the cotton, I have requested Mr. King to allow of six cards and one gin being sent to me, from which perhaps we may be able to make others. I have also requested a water-engine being sent out by one of the first ships, as from what I have read of the coaleries that appears an absolute necessary to have. I should apprehend two common ship's fire-engines would answer the purpose. As it is now fourteen months ago since you were so kind to furnish me with such a liberal supply of seeds, at which time we expected to leave England, I fear few of those which I have retained will be of any use, but fortunately I sent three of the boxes on in the Albion, which sailed in January last, and as I informed Gov. Hunter what they were, I hope he has made use of them. The box and papers that remain I shall reserve for a trial, but shall procure some at the Cape of the common vegetables. Poor Caley, who, I believe, has not made philosophy and patience his study, is quite out of humour at our long detention, and I am certain that nothing but the gratitude he owes you prevents him from taking up his stick and returning from whence he came. I wish it was in my power to give you any idea as to the probable time when we may expect to be liberated, but at present I am as ignorant as ever about it, altho' not less anxious. Should I not have another opportunity of advising you from this place, I beg to assure you of the respect and grateful attachment with which I shall ever remain, sir,

Yours, &c.,
PHILIP GIDLEY KING.

I observe particularly what your Grace says with respect to the object in sending Mr. Park to this country.* Permit me, my Lord, to observe that altho' a thorough knowledge of the interior of this country is much to be desir'd, the gentleman design'd to explore it wou'd have (I may venture to say from my own experience) found difficultys to surmount which I fear his experience in the interior of Africa cou'd have given but little acquaintance with. The idea suggested by Sir Joseph Banks, as appears by an extract of that gentleman's letter to Mr. King,† is in my judgement the only practicable means of gaining an early knowledge of this immense country—a country, my Lord, which there is much reason (as far as we have yet carried our discoveries) to believe may afford many usefull articles. A vessel such as Sir Joseph mentions cou'd be built here; and I wou'd recommend, if such an intention and means of exploring the country shou'd be determin'd on, that the necessary naval stores for fitting her be sent out.

1790

10 July.

The projected visit of Mungo Park.

I have ventur'd to write upon the subject of exploring this country by traveling into its interior, from my own experience, because, altho' not a young man, my Lord, none who ever commanded here has traveled so far into it. And I am of opinion your Grace will be satisfied from my last letters that a knowledge not only of its interior, but of its seacoast, have been consider'd by me as objects of consequence. In the interior, altho' we meet but with few (and no hostile) natives, and with no ferocious animals to annoy us, we are oblig'd to carry provisions to subsist upon, which will always occasion our journeys to be limited within very confin'd excursions; but by entering with a vessel the innumerable appearances of harbours which were observ'd and carefully mark'd by that superior navigator, Capt. Cook, excursions cou'd be made from them, particularly where there may be extensive rivers or arms of the sea.

Probable existence of navigable rivers.

Your Grace may be assur'd that I do not neglect such means as may be in my power for trying what may [be] done to establish the weaving of cloth. The specimens sent by this conveyance, which, altho' prepar'd under many disadvantages, may serve to shew what may be expected as soon as we may have abundance of the raw materials in our power, which, I hope, will not be long. The sheep thrive exceedingly, and the specimens of woollen cloth will in some degree shew the quality of the fleece; the breed of sheep which produc'd this wool is between the Cape ram and Bengal ewe. The web of linnen is our first essay, and is from the wild flax of this country, which will no doubt improve from cultivation; at one end of this web it is cross'd by a thread spun from the bark

Colonial-made cloth,

and cross-bred sheep.

* For some reason, now unknown, Mungo Park did not visit the colony.

† See Sir Joseph Banks's letter to Under Secretary King of 15th May, 1796 (ante, p. 322), in which he proposed to furnish Mungo Park with a decked boat of about thirty tons, in the hope of penetrating to the centre of the Australian continent by means of some navigable river, which he was confident would be discovered.

1799

28 July.

A surgeon's
wife and
family.

P.S.—Mr. Mason, who is now surjon of the Buffalo, and who is so attach'd to this country that he proposes to continue in it if he can have the favor of a passage hither for his wife and three children, shou'd she apply to you, it will be doing a kindness to a deserving man, and no doubt a service to the colony, if you will have the goodness to order a passage for her in any ship coming here.

GOVERNOR HUNTER TO SECRETARY NEPEAN.

Sydney, New South Wales,

15th August, 1799.

15 Aug.

Sir,

The Reliance
and Supply.

Having receiv'd information by dispatches from his Grace the Duke of Portland of 6th February, 1798, that two ships were purchas'd for the purpose of replacing his Majesty's ships the Reliance and Supply on the service of this colony—the first of which being too weak and infirm to be longer employ'd here, and the latter being completely condemn'd as a mass of rotten timber; and having also learnt by letter from the Commissioners of his Majesty's navy that the Buffalo and Porpoise were fitting for this service, and desiring that I may furnish by the earliest and cheapest conveyance a passage to England for the officers and men who might navigate them hither:

The Buffalo
and
Porpoise.Arrival of
the Buffalo.

The Buffalo having arriv'd in this port on the 3rd of May last, I take the first opportunity of requesting you will be pleas'd to inform their Lordships thereof, and also to mention that I have found it necessary, for the advancement of his Majesty's service in the concerns of this settlement, to remove into the Buffalo the officers and crew of the Supply (who have been ever since the condemnation of that ship employ'd in various ways upon the service of the colony), and to fit her with all possible dispatch for a voyage to the Cape Good Hope this season. The Porpoise not being yet arriv'd, I fear she will be too late to be prepar'd in time for the same service.

Return of
the
Reliance.

After having understood that their Lordships had order'd the above ships for this service, and altho' I had no information from the Admiralty respecting them, I yet conceiv'd that as two ships only were design'd to be employ'd here, and as I had given the Reliance such repairs as would enable her with safety to return home, I felt it my duty to direct Captain Waterhouse, her second commander, to be prepar'd to proceed this season round Cape Horn on his return to England.

Hunter to
command
the
Buffalo.

The Buffalo being the superior of the two ships designed to be employ'd here, I can have no doubt of its being the intention of their Lordships that she shou'd be upon the same establishment as the Reliance has been, and that the chief command of that ship is intended for me, in order to my continuing to hold the authority of senior officer of his Majesty's ships employ'd on the

service of this colony. The return of the *Reliance* will leave room for a second commander to the *Buffalo*, which I earnestly hope their Lordships will condescend to permit my filling up with Lieut. William Kent, late commanding the *Supply*, and senior lieut. upon this service, an officer respecting whose merits, long services, and zeal for the concerns of this settlement, I took the liberty of mentioning in my letter to you of the 18th August, 1797, in order to its being laid before their Lordships.

1799

15 Aug.

Kent to be
second in
command.

I confess, sir, that altho' from the immense distance of this remote colony from Europe there may be but little probability of any naval officer arriving here of senior standing upon the list to me, yet I beg you will do me the favor to express my concern to their Lordships that any difficulty shou'd have been found when I had the honor of being nam'd by his Majesty for this command in altering the establishment of the *Reliance*. I was thro' that difficulty oblig'd to submit to a temporary reduction of my naval rank, and to receive my naval Commission as first commander of that ship. I, however, trust that their Lordships will see that by allowing my proper rank to take place in the *Buffalo* it need not occasion a change in that of any other officer, the second in command being still a commander, nor will it be any material increase of expence to the service. It might be attended with this advantage—that it would effectually prevent any interference with my naval authority shou'd a junior post-captain ever enter this port.

A question
of precedence.

Their Lordships will, I trust, pardon me for taking the liberty to observe how extremly melancholy and discouraging this situation must be to the naval officers employ'd here, who may have the misfortune to continue to serve for so great a length of time in this country without that chance of advancement which an employment nearer home might offer. I cannot help feeling, as a professional man, for those naval officers serving under my orders. They frequently learn of promotions amongst their acquaintances at home who were, many of them, not in the service when some of those serving here were capable of taking charge of a ship, and the additional mortification of observing rapid promotions amongst the military serving in this country, whose duty in point of severity cannot be compar'd with the sea officer.

Slow promotion
of naval
officers.

I shall continue to hope that, altho' serving at so great a distance, their Lordships will consider them not the less meritorious. Before Lieut. Kent shall sail from hence I shall direct him to take on board the *Buffalo* a certain number of supernumeraries of a description which may be found of use to his Majesty's ships at the Cape. This measure I hope their Lordships will approve, as I can have no object in view but the forwarding to the utmost of my power his Majesty's service.

Super-
numeraries
for the
Cape.

I have, &c.,

JNO. HUNTER.

1799 of a tree ; and a web from that bark is cross'd at one end with a
 10 July. thread of wool. These specimens, I hope, will satisfy your Grace
 that much may be done here in that way in due time.

Destructive Every exertion is now making to recover the misfortunes sus-
 storm. tain'd in some of our public buildings by the late tempestuous
 weather, and I look forward with hope that we shall have sur-
 mounted most of them by the end of this year. The prison I had
 propos'd will be large and substantial, built of stone, of which
 we have abundance fit for such use. But finding that it wou'd
 create much expence, as well as much time, I called a meeting of
 the officers, chief inhabitants, and landholders, and deliver'd my
 sentiments upon our late accidents, as in the inclosed paper, with
 A new gaol. which desire on my part they readily complied, and that gaol is
 now erecting at their expence, except in such iron as may be
 necessary, which will be supplied from his Majesty's store.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

GOVERNOR HUNTER TO THE SETTLERS.

Gentlemen,

The effects of the storm of June, 1799. The unfortunate accidents and public losses which have
 been occasion'd by the late tempestuous weather have been such
 as to render it necessary on my part to pursue some decided step,
 not only for the more effectually and expeditiously recovering, as
 far as it may be possible, the time which has been lost by these
 misfortunes, but for the purpose also of relieving Government
 from the expences attending the erecting such public buildings as
 are generally rais'd in the mother country at the expence of the
 inhabitants of the respective countys in which they are found
 requisite. It is scarcely necessary, gentlemen, to tell you that
 wherever the labouring servants of the Crown have been found
 sufficient for carrying on the public works which have been from
 time to time seen wanting, I have uniformly avoided calling in the
 aid of the inhabitants, or in any way creating an expence which
 might be seriously felt by them. But that such buildings as gaols
 or public prisons are indispensibly necessary in this colony, I
 believe that none of its more industrious inhabitants will deny ;
 and that a substantial and permanent one is particularly requisite
 in the town of Sydney, in which all our criminal trials take place,
 is, I believe, equally evident.

Hunter in-
 vites the aid
 of the in-
 habitants

in building
 the gaol.

It will therefore be wholly unnecessary in me to dwell upon
 the expediency of some prompt or immediate step being pursued
 for the purpose of finishing offhand the gaol, which is now in a
 certain degree of forwardness, and without which the magistrates
 and others employ'd under their authority in preserving the peace
 and the good order of the settlement must continue to experience
 much trouble and fatigue.

I have therefore called you together, gentlemen, to take your opinion upon the fairest and most effectual means, as well as the most expeditious manner of having that building completed. 1799
10 July.

You will no doubt have discover'd that the very few artificers and labourers whose work is the property of the Crown, and who can be spar'd from the public concerns carrying on in other parts of the colony, are very unequal to the various and highly essential works at present in hand, and which every officer wishing well to the public service, I am convinced, must long have regretted the want of ; such works, I did hope, wou'd by the end of the present year have been nearly finish'd, but the misfortunes which have occasion'd my calling you together this day will retard the completion of such of those buildings as I have been most particularly anxious about. Paucity of Government artificers.

I have now only to observe that I conceive every person possessing landed property in this colony, either by lease or by grant, as well as all such persons as may be engag'd in any mercantile concern, of whatever nature it may be, will consider the safety and security of their property, on which will very much depend their domestic comfort, as very precarious without the building I have mentioned, and that of the most secure kind. It is but fair, therefore, that the expence of such building be defray'd by them. Reasons for calling on inhabitants to build prisons.

If it should be objected by any gentleman present (a circumstance which I can scarcely allow myself to suppose) that as all buildings of this nature which were found requisite in this settlement heretofore had been erected at the expence of the Crown it shou'd continue to be so now, to such an opinion it will only be necessary to reply that in the early days of this settlement there was scarcely any property but what belong'd to Government, and that such argument cannot now apply, because the private property in this settlement is now become very considerable. A possible objection.

If you, gentlemen, shou'd be of opinion that the idea I have submitted to your consideration should, for the general good, be adopted without delay, it will then be proper you should consult upon the best means of making the assessment for carrying into immediate effect. And as it will not only facilitate but considerably hasten the completion of the building in question, I would recommend that a certain number of those officers who may have least public duty on their hands be chosen, to whom power should be given enabling them to enter into contract or agreement with any person or persons who may be disposed to undertake the work. Hunter's recommendations.

Such iron, lead, and timber as may be requir'd for carrying out the work will be supplied at the expence of Government.*

J.H.

* The principal inhabitants and officers readily agreed to this proposal of Governor Hunter. But barely a month had elapsed before Hunter, finding the work progressing slowly, directed that five men and a watchman should be told off each day by each of the four divisions of Sydney (King, Nepean, Banks, and Maskelyne) and by the outlying district

1799
24 July.

Port Jackson, being less frequent, would render this less practicable; but we trust that as you have had sometimes occasion to require supplies from hence, the additional motive of procuring settlers would be sufficient to induce you to do so again in preference to sending to other Indian ports; in which event, if a public or private freighted ship should be employed, we might be provided with a passage at little or no expence to Government. I have hitherto confined the subject to myself and friends; but in the event of the proposal being thought by you worthy of attention, I am confident there are numbers who would gladly embrace the same opportunity, if acquainted with it in time.

Conditions of settlement.

That your Excellency may have the subject fully before you, I beg leave to enclose a memorandum of what we deem necessary for us. With respect to our characters or conduct, we are confident they cannot suffer by any enquiries you may deem necessary to make.

Transportation of Bengalese.

One point further may be thought worthy of your consideration. I am officially acquainted with the commission Dr. Beyer is charged with of communicating to your Excellency the wishes of this Government on the subject of transporting Bengal convicts, and I beg leave to submit whether, in the event of such a measure being approved by you, it would be satisfactory to you and advantageous to the colony to have persons there who were acquainted with the language, customs, and dispositions of the natives of Bengal! At all events, I should beg to be favoured with your Excellency's sentiments on the propriety of our taking a few Bengal convicts with us, if allowed by this Government.

The writer's object.

I hope your Excellency will have the goodness to excuse this address, and to deem it, what it really is, an earnest endeavour to procure, what every man who is a husband and a father must consider the first object of his regard, an honest, however hardly earned, establishment for his children.

I have, &c.,

A. C. SEYMOUR.

P.S.—Should I be honoured, through any of your officers, with the communication of your Excellency's sentiments on this subject, I request you will have the goodness to order it to be directed to — A. C. Seymour, Register in the office of the Secretary to Government in the Judicial and Revenue Department, Fort William.

[Enclosure.]

CONDITIONS OF SETTLEMENT.*

MEMORANDUM of what we deem necessary to enable us to become settlers at Port Jackson.

A free passage for settlers

First.—To be conveyed to Port Jackson at the expence of Government in any manner your Excellency may think advisable,

* See also ante, pp. 358 and 411.

and to be allowed proper accommodations on shipboard for ourselves and families, with the usual allowance of ship's provisions during the passage. 1799 24 July.

Second.—Deeming the importation of cattle, whether by individual settlers or otherwise, to be a public benefit to the colony, we hope to be allowed to carry with us a limited number of cattle, with their provender, freight free. We particularly hope for indulgence in this, as it will prevent Government incurring the expence of supplying us with breeding stock, as we observe has been done for other settlers. with live stock

Third.—As our little property will be invested in necessaries for ourselves and families, we hope to be allowed tonnage, not exceeding ten tons each, freight free. and baggage.

Fourth.—To be allowed, on our arrival at Port Jackson, accommodation for the temporary residence of ourselves and families, free of charge, until houses may be erected wherever we may settle. Free residence.

Fifth.—To be allowed grants of land in such situation as we may chuse, not already granted to others or required for public uses, and on the same terms allowed to settlers from the marine corps or any other settlers. Grants of land.

Sixth.—To be allowed two hundred acres for each man, one hundred for each woman, and fifty for each child, with an engagement that more will be granted whenever we can stock or cultivate a larger quantity. Area of grants.

Seventh.—To be allowed such assistance from Government with respect to the building of houses, labor of convicts, implements of husbandry, seed, and rations from the stores, as have been allowed to the military officers or private settlers. Other Government aids.

Eighth.—That we may be allowed to import a quantity of Bengal rum, under such restrictions as your Excellency may prescribe, not doubting but that, as we pledge ourselves under penalty of forfeiting your favor not to dispose of a drop clandestinely, you will make us a liberal allowance of an article which we can never again procure an opportunity of being supplied with on the same terms. Right to import rum.

We have been thus particular through real anxiety lest any point misunderstood might disappoint our wishes, and not through an idea of heightening our own importance with you. Should any of the above, however, be deemed inadmissible in their present form, we respectfully hope to be informed under what modification your Excellency may deem yourself authorized to grant them, making no doubt but that you will afford us every assistance and indulgence in your power. Reasons for particularizing.

W. H. MARSHALL.
G. M. LOWDER.
A. C. SEYMOUR.

- 1799 give over there—the harvest getting suddenly ripe, and the prisoners being compelled to work at it on the Sabbath. The evening lecture in Parramatta was given up also, in consequence of the people in whose house it was going to the country to get in their harvest, and consequently closing up their house. Now the Sabbath evening lecture is recommenced at Parramatta, at the house which Mr. Cover now occupies, and also preaching at Toongabbee. Last Sabbath the writer preached at the latter place to about a hundred people (the greater part of them were prisoners) from the 3rd chapter Acts and former part of the 19th verse: “Repent ye, therefore, and be converted, &c.” The people listened with becoming attention, and a few appeared somewhat affected. We had excellent singing, as there were about a dozen of soldiers (including corporal and sergeant) from Parramatta barracks to hear, among whom were five or six who sing every other Sabbath at Parramatta church. They say they will attend our worship every other Sabbath at Toongabbee to sing. It may be necessary to observe that all who attend service at this place do not attend from choice, but the greater part of them from compulsion; for it being the superintendent’s order that they should attend, the constables cause it to be obeyed. We are not the cause of this compulsion, but it is in consequence of an order given by the Governor some time ago that the prisoners in general should attend divine worship on the Sabbath. The superintendent himself attends our preaching, and is very friendly and obliging to us. Mr. Hassall* has begun to preach since he came to this colony; and has, for a considerable time past, preached at a certain place in the country, and has for some time, by our request, for us at Kissing Point. His house has been robbed some time ago, and himself beaten and used very ill by some ruffians; but had his loss nearly made up to himself by a collection made among the officers and others of the colony.
- 20 Aug. Convicts labouring on Sunday. Preaching at Toongabbee. Compulsory worship—para. A preacher robbed and beaten. Religion at a low ebb. Controversies with officers.
- Having now given a brief and candid account of our labours in the Gospel since the commencement of them here, together with a detail of other particulars, I come in the next place to make a few observations on the moral and religious (or rather I should say the irreligious) state of the colony. Religion is truly at a low ebb here, and there is little probability of its being otherwise until matters take a great change in the colony. It is become quite fashionable among the officers and others, who should set the convicts a good example, to stay away from church and neglect the worship of God, and it ceases to be deemed foolishness with some of them to scoff at religion and sacred things and treat the holy Scriptures of truth with contempt and ridicule. In short, infidelity, at present, like a mighty torrent, runs through the colony, and threatens a universal deluge. There are few of the officers who are not either Atheists or Deists. I have had several controversies with some of them, but have been obliged to lay aside the Bible, as its authority

* Mr. Hassall was one of the missionaries.

Buffalo the officers and crew of his Majesty's condemn'd ship the Supply, and to send her this season to the Cape Good Hope for another cargo of live cattle, but the other ship design'd for this service (the Porpoise) is not yet arriv'd from England; she will most probably be too late for the present season. The Buffalo, I propose, shall sail early from hence, in order that her return may be practicable within the summer months, for greater certainty in preserving the cattle she may take on board at the Cape, and she will bear these dispatches thither.

1799

27 July.

The Buffalo to be sent to the Cape for cattle.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

Dear Sir, Sydney, New South Wales, 28th July, 1799. 28 July.

The Hillsborough, transport, being just arriv'd in this port with a cargo of the most miserable and wretched convicts I have ever beheld, I am constrain'd to recur to my many official letters on the subject of slop cloathing and blankets. Were you, my dear sir, in the situation in which I stand, I am convinc'd all the feelings of humanity, every sensation which can occasion a pang for the distresses of a fellow-creature, would be seen to operate in you with full force.

Condition of convicts landed from the Hillsborough.

Figure to yourself a ship having out of three hundred people embark'd in England, and having stopped for their refreshment several weeks at the Cape Good Hope, yet hav'g upon her voyage buried of the above number ninety-five, and four since landing; those who still survive are in the most sickly and wretched state, put on board the ship in England with the cloaths only in which they stood, consequently arriv'd here naked, where cloathing is not to be found. Nor is it possible, my dear sir, when you look back to our last general supply, which was by the Sylph near three years ago, and very moderate in point of quantity, that you can wonder we shou'd at this time be without. The most scrupulous economy has been us'd in the management of that supply, otherwise long ago all work during the winter months must have ceas'd.

Mortality amongst convicts on Hillsborough.

No clothing for three years.

Originally in this colony there were stated periods for issuing slop cloathing, but our supplies since my command wou'd not admit of that necessary regulation; none have been serv'd but to such as were in the greatest distress for want.

Cessation of regular supplies.

Let me conjure you to use every means in your power to have us supplied in some way or other without loss of time, that I may no longer have occasion to give trouble to the Duke of Portland, for be assur'd it is with the utmost reluctance that I give his Grace so much.

I am, &c.,

JNO. HUNTER.

1799

30 Aug.

Vouchers
delayed
pending
Palmer's
return.

As a farther reason why the necessary vouchers in support of the bills drawn have been delay'd so long, it becomes necessary to mention that Mr. Commissary Palmer, having written to the Acting Commissary that, as some alteration had taken place in his instructions, he was desirous that no accounts should be transmitted until his arrival, which has been so long look'd for that I gave directions there be no longer any delay, but the vouchers for the expenditure of the sums drawn, together with every other necessary paper, be immediatly forwarded.

I send a list (No. 3) of such materials as are wanted for carrying into effect our endeavours to manufacture both woolen and linnen.

Return of
births and
deaths.

This being the last letter I shall trouble your Grace with by this conveyance (his Majesty's ship Buffalo, to the Cape for more cattle), and having this moment receiv'd the surjion's return of births and deaths, and a state of the hospital* during the last twelve months, I inclose them, and beg to refer your Grace to Mr. Balmain's letter to me relative to hospital stores and more medical assistance.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

Live stock
and
cultivation.

AN ACCOUNT of Live Stock and Ground in Cultivation in his Majesty's Settlement in New South Wales, in August, 1799.

By whom.	Horses.		Horned Cattle.		Sheep.		Goats.		Hogs.	Acres in Wheat.	Acres in Barley.	Acres in Maize.	Acres in Oats.	Acres in Potatoes.
Government ..	5	17	122	360	169	339	23	28	30	200	..	80	..	..
Officers in	32	59	66	152	1577	2266	341	762	513	873	67	296	3½	4
general	..	10	15	4	5	270	482	548	1061	2916	4992	15	2156	4
Settlers ..	..	47	91	192	517	2016	3087	912	1851	3459	6125	82	2532	7½
Total ..	..	47	91	192	517	2016	3087	912	1851	3459	6125	82	2532	7½

OBSERVATIONS.—Weak in field labor, owing to the various detachments of artificers and labourers employed in many essentially requisite public works.

There are large tracts of garden-ground, in which are contained, in the aggregate, many acres of potatoes. Much land on which the heavy timber is fallen, but not yet burnt off and prepared for cultivation.

J. HUNTER.

MR. JOHN THOMSON TO CAPTAIN SCHANCK.

Sydney, New South Wales,

8 Sept.

Dear Sir,

8th September, 1799.

I have taken the liberty of inclosing a letter for Mr. Grant,† which it will add to other obligations if you would be so good as transmit to where he is.

* This is the same return as that enclosed in Balmain to Hunter, 29th August, 1799, ante, p. 710.

† Doubtless Lieutenant James Grant, commander of the Lady Nelson. The letter is missing.

service of this colony. The return of the *Reliance* will leave room for a second commander to the *Buffalo*, which I earnestly hope their Lordships will condescend to permit my filling up with Lieut. William Kent, late commanding the *Supply*, and senior lieut. upon this service, an officer respecting whose merits, long services, and zeal for the concerns of this settlement, I took the liberty of mentioning in my letter to you of the 18th August, 1797, in order to its being laid before their Lordships.

1799

15 Aug.

Kent to be second in command.

I confess, sir, that altho' from the immense distance of this remote colony from Europe there may be but little probability of any naval officer arriving here of senior standing upon the list to me, yet I beg you will do me the favor to express my concern to their Lordships that any difficulty shou'd have been found when I had the honor of being nam'd by his Majesty for this command in altering the establishment of the *Reliance*. I was thro' that difficulty oblig'd to submit to a temporary reduction of my naval rank, and to receive my naval Commission as first commander of that ship. I, however, trust that their Lordships will see that by allowing my proper rank to take place in the *Buffalo* it need not occasion a change in that of any other officer, the second in command being still a commander, nor will it be any material increase of expence to the service. It might be attended with this advantage—that it would effectually prevent any interference with my naval authority shou'd a junior post-captain ever enter this port.

A question of precedence.

Their Lordships will, I trust, pardon me for taking the liberty to observe how extremly melancholy and discouraging this situation must be to the naval officers employ'd here, who may have the misfortune to continue to serve for so great a length of time in this country without that chance of advancement which an employment nearer home might offer. I cannot help feeling, as a professional man, for those naval officers serving under my orders. They frequently learn of promotions amongst their acquaintances at home who were, many of them, not in the service when some of those serving here were capable of taking charge of a ship, and the additional mortification of observing rapid promotions amongst the military serving in this country, whose duty in point of severity cannot be compar'd with the sea officer.

Slow promotion of naval officers.

I shall continue to hope that, altho' serving at so great a distance, their Lordships will consider them not the less meritorious. Before Lieut. Kent shall sail from hence I shall direct him to take on board the *Buffalo* a certain number of supernumeraries of a description which may be found of use to his Majesty's ships at the Cape. This measure I hope their Lordships will approve, as I can have no object in view but the forwarding to the utmost of my power his Majesty's service.

Super-numeraries for the Cape.

I have, &c.,

JNO. HUNTER.

1799 has seen it says Mr. Nepean has got a small table of that wood, and
8 Sept. is extremely beautiful. I shall send them by Captain Waterhouse.

Be so good as give my respectful acknowledgements to the Judge, and assure him of my remembrance of his favors. It will give me much happiness to hear from you, if you can spare a few minutes from the great press of public business which you are engaged in. Make my compliments, &c.

JNO. THOMSON.

This goes to the Cape of Good Hope per H.M.S. Buffalo.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.
(Banks Papers.)

17 Sept. Dear Sir, Porpoise, Spithead, 17th September, 1799.

Departure of
the
Porpoise.

Accident to
the steering
gear.

The cause of
the accident.

The plants.

I make no doubt but the receipt of this from me in an English port will surprize you not a little. We thought ourselves compensated for the long and ruinous detention we had escaped, by the favorable wind that carried us out of the Channel and into the Bay, where a strong gale of wind came on, previous to which our tiller was carried away, and the head and main piece of the rudder sprung in so dangerous a manner as to occasion us to apprehend its going entirely before the gale subsided, which providentially did not happen. As soon as we could have any intercourse with the Admiral, and the danger of the defect was confirmed by his carpenter, we were ordered to the first port in England. After what has happened, I need not point out to you that while the Porpoise retains her present shape and length she is much fitter to be placed on your canal than to go outside a port. She is now sufficiently stiff, and does much better than could have been expected by the alterations she has undergone; but, unfortunately, the very means to obtain this partial advantage has been the cause of the rudder being carried away from its unnatural projection, on which the body of receding water acts on it with such an increased perpendicular violence, instead of coming to it obliquely, that nothing can withstand it; and if they persevere in giving her a rudder of greater dimensions, iron-strapped, iron tiller, &c., still I fear the sternpost or gudgeons must necessarily go. I have written very fully, and I fear too freely, on the subject to Sir Andrew Hamond, whose answer, as well as the results of the Board's deliberations on the master's representations, I shall inform you of.

The garden is in most excellent order, not a plant drooping among them. The hops were cut down. After these many untoward circumstances, God alone knows when they will get to their destination. I hope my best wishes for your health and family's will be acceptable.

I am, &c.,

PHILLIP GIDLEY KING.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.
(Banks Papers.)

1799

22 Aug.

Sir, Ryde, Isle of Wight, 22nd August, 1799.

Observing an advertisement in the papers for a meeting in Lincolnshire to which your name was subscribed, I fear this will not reach you in London, but have hazarded it; and altho' it is not certain whether we shall remain here until I can receive your answer, yet I think it may be attempted if you should see anything in it worth a reply. As my cup of disappointment and anxiety is so completely overflowed by this long detention, I shall not trouble you with a recital of my feelings on that occasion, which has occasioned inconveniences of the most serious kind to me and my family, but I trust, if my life is spared, that economy will enable me to get on my legs again.

King informs Banks of his disappointments.

I am hopeful that from the circumstances of the day our departure will not be put off much longer. As it is, we must expect bad weather on the coast of New Holland, which will not be very favorable to a vessel of the Porpoise's construction.

The prospect of departure.

The garden continues in a very favorable way, and if it escapes being damaged by the continual warm weather we must have for these five months to come, I am hopeful it will withstand any check in the latter part of the voyage. Some few of the herbs are dead, but they shall be replaced before we go from hence. The carob seeds are come up and doing very well, and I sincerely hope that I shall be able to congratulate you on the whole succeeding and being safe deposited in N. S. Wales, which I am certain will be among the most pleasing news you can receive from that colony. As I have heard nothing respecting the Lady Nelson, I am apprehensive that it has not been convenient to get that vessel forwarded. In case she cannot be got ready before the middle of next month, I am apprehensive the weather she would meet with between the Cape of Good Hope and New Holland would make it an unsafe passage for a vessel of that description; later than all next month she certainly ought not to be sent.

State of the plants.

The Lady Nelson.

You will recollect, sir, that in my different letters to you from the other hemisphere I have observed the probability of cotton becoming a probable object of attention. Not being possessed of any information respecting the culture of that shrub, the trials that I made of it on N. I. were by no means satisfactory. Although the seeds that were sowed did extremely well, and much cotton was produced, still the ignorance we laboured under respecting its culture prevented any other exertions than barely ascertaining that it would grow extremely well.

Cotton-culture at Norfolk Island.

Since my residence here I have become acquainted with a very worthy man (Mr. Wall, collector, of the Bahamas, whither he is

Information from a West Indian planter.

1799

Sept.

out so badly, I hope you will excuse my troubling you with this recital after having already enumerated it to you verbally. I cannot close this letter without saying how much Mr. Scott has exerted himself in his attention to the ship, and no man, I am convinced, feels more than he does on the disagreeable cause of our return.

I am, &c.,

P. G. K.

[Enclosure.]

LIEUTENANT-GOVERNOR KING TO SIR A. HAMOND.

Sir,

Porpoise, Spithead, 18th September, 1799.

H.M.S.
Porpoise.

I am much concerned that the great injury the Porpoise's rudder has received has made her return to England necessary, from whence I hoped we had taken our final departure. As the ship, from Mr. Scott's account, as well as every other person in her when coming from the Downs to Portsmouth, appeared much advantaged by the alterations she had undergone, and altho' she steered indifferently, yet her being sufficiently stiff and sailing not worse than ten of the heaviest sailing vessels out of two hundred sail, sufficiently reconciled me to her, until the accident happened to the tiller and rudder.

King's
opinion of
her sailing
qualities.

From the indulgence with which you have attended to my former representations, and the great desire shewn by the Board* to remedy the former defects, I am induced to submit my respectful opinion on the present circumstance, which I trust will not be deemed premature or assuming, as I have no other motive than the welfare of his Majesty's service and the anxious wish that the ship designed for the use of the colony in New South Wales may render it service.

Position of
the ship at
the time of
the accident.

When this misfortune attended the tiller and rudder the ship was under her close-reefed topsails and lower staysails; the courses were hauled up, to let the Admiral get ahead, having just wore, consequently there was no great wind or high swell (but three hours after a heavy gale came on and high sea, in which the ship did extremely well lying to). From this circumstance I judge that the tiller and rudder did not receive the injury from any sudden shock; but the effect of the great force and weight of water on the projected rudder, which, as the wind and sea got up, it was no longer able to resist, until something gave way, and the tiller being a very good one and secured with iron braces to the rudder-head strikes me as a farther proof that the cause originated in the uncommon weight thrown on the rudder, occasioned in my opinion by the ship's wanting length and having so little run, which causes the sea to strike the projected rudder with such an increased perpendicular violence, instead of acting on it obliquely, that I fear no common rudder or tiller can with-

The cause of
the accident.

The Navy Board, of which Sir Andrew Hamond was Comptroller.

THE MISSIONARIES TO THE DIRECTORS OF SOCIETY, LONDON.*

1799

Parramatta, New South Wales, 25th August, 1799.

25 Aug.

Fathers, Brothers, and Fellow-labourers in the Gospel of our Lord Jesus Christ,—

HIS Majesty's ship the *Buffalo*, Capt. Kent, being on the eve of sailing from the colony for the Cape of Good Hope, we embrace the opportunity of confirming our letter to you of the 1st September, 1798, by the *Barwell*, duplicates of which we forwarded the beginning of December following, in the *Cornwallis*, by way of Calcutta, in which we informed you of the circumstances which occasioned our removal from Otaheite to this colony, and the prospect which presented itself to us of our being made useful in the Ministry of the Word here, since which our views have been beclouded, our expectations not so sanguine, the exercises of our minds various with respect to the path of duty, whether we should persevere or not, as the belief of our hearts at times was ready to suggest that the difficulties we had to encounter were insurmountable—indeed, they are such to an arm of flesh—for here we have to contend with the depravity and corruptions of the human heart, heightened and confirmed in all its vicious habits by long and repeated indulgences of inbred corruption, each one following the bent of his own corrupt mind, and countenancing his neighbour in the pursuit of sensual gratifications. Here iniquity abounds, and those outward gross sins which in Europe could render a person contemptible in the public eye, and obnoxious to the civil law, are become fashionable and familiar. Adultery, fornication, theft, drunkenness, extortion, violence, and uncleanness of every kind, the natural concomitants of Deism and infidelity, which have boldly thrown off the mask, and stalk thro' the colony in the open face of the sun, so that it is no uncommon thing to hear a person say, "When I was a Christian, I thought so and so." But our discouragements arise, not so much from those things in themselves, as from their pernicious influence, which tends to confirm and strengthen the natural prejudices of the mind against the doctrines of the Gospel, which are a sovereign remedy for all those deadly desires; but, alas, they will not come into the Light, lest their evil deeds should be reproved. This case may be justly compared to that of a person in the height of a fever, deprived of his reason, who refuses to have the means prescribed for his recovery, and to this cause we may ascribe (in a certain sense) the little success the labours of our brethern in the establishment here for these several years past, sensible, however, that the choicest means will be ineffectual without the gracious concurrence of the Holy Spirit.

Letters by
the *Barwell*
and *Corn-*
wallis.

State of
morals at
Sydney.

A Godless
community.

Ill-success of
Johnson and
Marsden.

* On the 30th March, 1798, the missionaries stationed at Otaheite (now Tahiti) left the island in the *Nautilus*, a trading vessel, and landed at Port Jackson. They comprised eleven men, four women, and four children, and fled the island in consequence of the violence of the natives. — London Missionary Society MSS.

1799 "In answer to which Mr. Nepean informed me that their Lord-
 26 Sept. ships had directed the old Porpoise to be otherways disposed of,
 and another ship to be purchased in her stead."

LIEUTENANT-GOVERNOR KING TO THE DUKE OF PORTLAND.

<p>1 Oct. A personal matter. King's detention in England. Expenses incurred thereby. The savings of nine years. Anticipating his income. Asks for con- sideration.</p>	<p>My Lord,</p> <p>With much reluctance I feel myself necessitated to address your Grace on a subject, trusting that your Grace's knowledge of the peculiarity of my situation will plead an excuse for thus trespassing on your more important time and patience.</p> <p>It is now near two years and a half since I returned to England, soon after which my return to New South Wales was determined on, and the Porpoise was pointed out as the ship in which I was to take my passage. That ship was launched in May, 1798, from which time till the present moment I have been obliged to keep myself and family in a constant readiness to embark, which did not take place till the 5th ultimo, when we sailed, but were obliged to put back by the ship being once more disabled, which she had been twice before. Exclusive of the heavy expences I incurred by these uncommon detentions, by keeping my family in lodgings and finding my stores to the amount of £150 damaged and destroyed, I had the mortification previous to sailing to find a great part of the things I could get at, which had been on board fifteen months, were quite spoiled, nor is it known to what extent my stores which are in the hold have suffered.</p> <p>As the whole of my property, amounting to £1,200, the savings out of my pay during the nine years I commanded on Norfolk Island, was expended in my expences and providing myself and family with cloathing and necessaries for my future residence in N.S. Wales by the 1st August, 1798, when it was reasonable to suppose the ship would have sailed, I have been obliged since that period to subsist my family and procuring some necessary articles by anticipating my future income to the amount of £457 to the time of my sailing, in addition to which I must now necessarily replace those things I have lost by the ship's detention, as well as my sea stock. Had I no one to provide for but myself, or if I had any expectancy, I should not have troubled your Grace with this detail ; but having a large family, and being thoroughly sensible of your Grace's humanity and benevolence, I respectfully submit my situation to your Grace's consideration, and hope I will not be thought presuming in my humble request of such a remuneration as your Grace may judge proper, which will add to the great obligation already conferred on, my Lord Duke, your Grace's, &c.,</p>	<p>London, 1st October, 1799.</p> <p>P. G. KING.</p>
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colony has been such as may be said to adorn his profession (the writers wish they could say the same of all the other brethren who came into the colony with him). His death is regretted by all who knew him. The Governor and several officers followed his corpse to the grave, as a testimony of their respect. A tomb is about to be erected over him.

1799

25 Aug.

G. SUTTON TO SIR JOSEPH BANKS. (Banks Papers.)

Sir,

H.M.S. Porpoise, Spithead, 25th August, 1799.

I take the liberty of once more writing before I leave England, and informing you of the state of the gardens. Condition of
the plants
on the
Porpoise.

All the vines are in a healthy state, and I have no doubt but that they will continue so. The hops have the same healthy appearance, therefore hope to be as successful with them. We have three olives and caribbs doing exceeding well, and two tea plants are yet alive. Lemon grass and camphor thrive well. The apples, pears, mulberrys, walnuts, chessnuts, filberts, quinces, pruent plums, oakes, and willows are all in a flourishing state. Some of the peaches have blighted, but others are in a healthy state. The ginger that was sent down I am affraid will not succeed. The herbs have been the chief sufferers by our long delay, but what is bad of them Govr. King designs replacing.

We have now strong hopes of sailing towards the end of this week. It would give me great pleasure if, before I quit England, Sir Joseph Banks will favour me with a line to acquaint me with the state of his and Lady Banks's health, also of that of Mr. and Mrs. Anfriere and Mrs. Banks, who all, I hope, enjoy health and happiness.

I am, &c.,

G. SUTTON.

SURGEON BALMAIN TO GOVERNOR HUNTER.

General Hospital at Sydney,

Sir,

29th August, 1799.

29 Aug.

The inclosed is the state of the sick and hurt for the last twelve months, which also contains an account of all the births and deaths that come within our observation, for it sometimes happens that children are born and people die without our receiving any information of it. Births and
deaths.

Permit me to take this opportunity of requesting that you will be pleased to repeat your application for the supply of our wants at the hospital, and also to remind the Minister how requisite it is that the number of medical assistants should be augmented. Hospital re-
quirements.

Your Excellency will remember that some of our demands are of two years standing, and I am persuaded you feel to see us so much in want of every necessary.

I have, &c.,

W. BALMAIN.

1799
20 Aug.
Hospital
returns.

[Enclosure.]
GENERAL State of the Sick, Hurt, &c., in New South Wales, from the 31st July, 1798, to the 31st July, 1799.

Month.	Civil and Free People.			Convicts in Hospital and Quarters.			Births.						Deaths.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
	Men.	Women.	Children.	Men.	Women.	Children.	Civil and Free People.			Convicts.			N. S. W. Corps in Hospital.			Convicts in Hospital and Quarters.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
							Men.	Women.	Children.	Males.	Females.	Males.	Females.	Males.	Women.	Children.	Men.	Women.	Children.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
August 1798	5	2	3	78	11	5</

W. BALMAIN, Surgeon to the Territory.

THE REV. WILLIAM HENRY TO THE LONDON MISSIONARY
SOCIETY.*

1799

29 Aug.

[Extracts.]

Parramatta, New South Wales, 29th August, 1799.

THE mention of New South Wales in the above date will not, I presume, startle or surprize you, as I suppose our letters by the Barwell, East Indiaman, shall have reached you before this. Persuaded of this, I shall omit mentioning the circumstances which occasioned our departure from Otaheite to this place, as those have been briefly stated in them, but I shall give you a brief and candid detail of the interesting particulars that have since occurred until the present time, and what are now, and have been ever since, as our wishes, desires, and intentions, as also my sincere sentiments concerning the disagreeable affairs of our departure from the above place, together with my sentiments concerning the most likely means of accomplishing the great object of the mission at Otaheite and neighbouring islands.

Preliminary
observa-
tions.

And now permit me first, though breaking order in this relation, to mention a most melancholy and shocking affair which happened here to us of late, namely, the barbarous, bloody, and cruel murder of our Brother Clode by an Irishman, an old schoolfellow of his own, with his wife and another accomplice. The murder was committed on the evening of the 3rd of July last, in the house of the assassine, whose name was Jones, which stood in a suburb of the town of Sydney called the Brick Fields, within a few yards of the main road. There had not been the least variance between Mr. Clode and either of the assassines, but, on the contrary, they had vied almost ever since he first came to the colony in acts of friendship with each other, and he had, according to their own confession, been the means of saving both the life of Jones and his wife, by his attention and medical assistance when they were both dangerously ill. That for which they murdered him was a little more than thirty pounds sterling, which Jones had been owing him for some property he let him have on credit, and which sum he was to have received from him the evening of the murder; but upon calling for it, Jones and the other two before mentioned paid him by barbarously and unhumanly taking his life.

Murder of a
missionary
at Sydney.

Motive of the
criminals.

* * * * *
The town being soon alarmed, numbers of people, officers and others, with the Governor, were soon assembled at the place; and blood being traced from the pit where the body was found to Jones's door, and upon examination found in several parts of the house, and an ax in a chest, which had been newly washed and not quite dry, with the signs of blood, brains, and some human hair upon it, Jones and his wife, with the other assassine, were sent to prison, and the next day, by order of his Excellency the Governor, were tried by a Criminal Court, and three of them

Their arrest

* Copies from original MSS. in possession of the London Missionary Society.

1799

28 Oct.

Arrival of
Judge-
Advocate
Dore.

South Sea whalers, which have made the place all alive, and the necessaries of life are now become tolerable reasonable, nor is there much danger of their ever being so scarce again.

The arrival of a Judge-Advocate in this colony has given universal satisfaction to all ranks and descriptions of people. By what I can learn, that appointment has been heretofore very unequally filled; and a professional gentleman was much wanted: perhaps ability has yielded to the *mens sibi conscia recti*, and in that case, one would make the most liberal allowance. Mr. Dore, who now fills the office, I have no other knowledge of than seeing him occasionally in the cabin on our passage; but I can venture to assert that, whilst the qualities of the gentleman and the scholar are held in estimation, the present Judge-Advocate will be respected and admired.

A convict
attorney.

Mr. Robinson, the attorney, whose memorable attack upon Mr. Oldham produced so memorable a prosecution against him, came also in the Barwell; and from the superiority of his manners and behaviour, ingratiated himself so happily with the captain and officers as to be allowed a situation entirely remote and detached from the convicts, where, in a mess composed of some passengers, the boatswain, gunner, and steward, he was indulged every day with a bottle of wine and a cover from the captain's table.

He in-
gratiates
himself with
the captain
and officers,

I rather think that he had been particularly zealous in favour of the ship, and in the interests of the officers, when the mutiny (which doubtless you have heard of) broke out, soon after the Barwell left the Cape; but what Mr. Robinson has most to boast of is the fortunate event of Mr. Dore having taken notice of him at an early period of the passage; and I cannot say but it gave me some pleasure when I understood that so soon as the Judge-Advocate opened his Commission he appointed Mr. Robinson (under the Governor's sanction) his secretary and chief clerk, which very lucrative and distinguished situation he immediately held and now holds, with every prospect of affluence and happiness. But this was not all: through the same benevolent channel, his Excellency was induced to give Mr. Robinson his pardon on the 8th of June last, when he had scarcely been a fortnight in the colony; and he that a few months since called himself a victim to the severity of offended law is now the elevated object of his country's clemency.

and is
pardoned by
Hunter.

EAST INDIA COMPANY TO THE RIGHT HON. HENRY DUNDAS.

28 Oct.

Rum from
the East
Indies.

Sir,

East India House, 28th October, 1799.

We have been honored with your letter of the 23rd instant, enclosing one from the Duke of Portland, relative to the importation of spirits into the settlement at New South Wales from the East Indies; and we have the honor to acquaint you that measures

In the beginning of August, 1798, Mr. Cover and the writer began to preach in this colony in different places in the country, about the town of Parramatta, in some of which there were promising appearances at first, but the people soon getting tired of coming to hear obliged us to relinquish several of them. However, at one of those places we have continued to preach constantly ever since to the few who usually attend. It is about five or six miles from Parramatta, called Kissing Point, where there are a good number of settlers and others. The first Sabbath we preached at this place (which was the 26th August of '98) a considerable number of people attended, so that the barn we had for a chapel was pretty well filled, and some individuals seemed somewhat affected under the sermon, which was preached by the writer; the text was the 38 verse of the 13 of Acts, "Be it known unto you, therefore, &c." The people after service were expressing desires to have service twice on the Sabbath for the future; but this we thought proper to decline, having other places to attend, and also fearing they would tire but too soon of once on the Sabbath, and so waited to see how they would attend; and to our discouragement we soon found what we feared to be the case, and we have never had such a congregation there since—nay, on the contrary, we have several times had scarcely a dozen people to preach to. However, some of them who attended at first have ever since attended, and two or three of them who seemed at first to be brought under some good concern to still promise well, are considerably informed in their judgments, and much reformed in their lives and conversation. They have begun of late to attend something better here, and have requested me to continue longer to preach amongst them, and am now building a house for the purpose of a school and chapel. They are allowed a schoolmaster by their Excellency the Governor, and I am happy to say that him whom they are now about to have for one is, I believe, a real convert. He is an Irishman named Matt'w Hews, and before his transportation from Ireland was a corporal in the militia, but was convicted in consequence of some soldiers who were under his charge (who are now here with him) killing some persons in a skirmish. He used to attend preaching among Mr. Wesley's people in Ireland. When we came to the colony he was exceedingly glad, and soon endeavoured to get acquaint'd with us, and seemed to be then under some serious impressions.

1799

29 Aug.

Preaching at Parramatta

and at Kissing Point.

Congregations diminishing.

Building a school and chapel.

A converted soldier.

* * * * *

In October, Mr. Cover commenced a Sabbath evening lecture in the town of Parramatta, there being no other time in the Sabbath but what must interfere with the church times of service, which are mornings and afternoons. About the same time we began to preach in a settlement, or rather town, called Toongabbee, where there is a great number of persons, but were obliged soon to

Sunday evening lectures.

- 1799 covered with 150 and 200 acres of wheat, just coming into ear. They grow great quantities of Indian corn, pease, beans, cabbages, and vegetables of all kinds; fruit-trees, though in their infant state, flourish and bear plentifully.
- 31 Oct. The lost cattle. The strayed cattle, of which no doubt you have heard, are now separated into three herds, and were about 230 in number when last seen. They are of an uncommon size, and very fierce. An old horse, which in England would be valued at £5 for dog's meat, sells here for 100 guineas.
- Coal, rock-salt, and marble. Since the last accounts have been sent home they have discovered an abundance of coals and rocksalt, also some marble. The coast abounds with freestone.
- Black swans. A few days since I chased a flock of black swans (you may smile, but it is an absolute fact) above 15 miles down the river, but could not get a shot at them, they are so very shy.
- "A pleasant, sensible old man." The Governor is a pleasant, sensible old man. A number of missionaries, who were sent to the Sandwich and other Pacific Islands, arrived here a few months since. One of them holds forth at this place, and gains by far a greater congregation than either of the ordained.
- The Scotch Martyrs. I have seen Palmer and Margarott, but have never been in either of their companies. Gerald and Skirving are both gone, it is to be hoped to a better place. Margarott is in general liked, as a quiet man, very seldom making his appearance. Palmer, I am sorry to say, is in general disliked, being of a litigious and troublesome disposition. His situation has most likely rendered him peevish; so say his neighbours. Muir, it is here reported, is dead.
- Barrington. Barrington is a man of very genteel address. I have drank a glass of grog in his house. He is head constable at Parramatta, and is much respected. He is a pleasant conversable man.
- Parramatta. Parramatta is, or rather was, intended to be the principal settlement. It is a pleasant spot for a town. A new settlement, about 50 miles N.E. (*sic*) of this place, is by far the best soil yet found. The ground around this Cove is bad, but, however, will answer the purpose of building a town. This is, I believe, one of the best harbours in the known world.
- A rough passage. We expect in the course of a fortnight to sail on a cruise for two months, off the coast, to fish. We had a very rugged passage from the Cape here; lost two of our boats and one man, two other boats stove to pieces, and a number of spars washed overboard.
- I hope I shall by the next vessel be able to give you a better account of the markets.

In the meantime, believe me,

Yours, &c.,

JOHN BLACK.*

* John Black had been purser on the convict ship *Lady Shore*; together with other officers, he was turned adrift by the mutineers.—*Ante*, pp. 392, 413.

was of no consequence with them, and reason with them from principles of philosophy in vindicating some of the great truths of Christianity. I am not fond of holding contraversies with such persons.

1799
29 Aug.

Add to these awful facts now mentioned others which are equally awful and lamentable, namely, that the convicts and lower order of people are buried in ignorance and hardened in sin, and that immorality and vice of every kind, yea, all manner of sin and abominations prevail in this colony—avarice, extortion, pride, theft, blasphemy, drunkenness, sabbath-breaking, fornication, and adultery—the two latter of which so prevail and is practised to such a degree at present as not to be equalled, I think, in any country whatever—there are scarcely any in the colony who are not living in either of these two sins. It is as common, and in fact more thought of here, for a man to keep a prostitute and have a number of children by her than it is for a man to have a wife and children in England.

Immorality
of the
convicts.

I have been often surprized since I came to know the state of the colony, and how the chaplains have been circumstanced, that they have anything of the life of religion at all ; but especially the Rev'd Mr. Johnson, whose trials have been exceeding great, &c.

Trials of the
chaplains.

WILLIAM HENRY.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord Duke,

30th August, 1799.

30 Aug.

Having in my letter (No. 42)* express'd my concern that the various accounts and necessary papers which relate to the concerns of this colony had not been as regularly transmitted to England as your Grace and the Lords of his Majesty's Treasury might have desir'd, I think it necessary to say that I have given most particular directions that the Acting Commissary use every possible means and exertion for forwarding every paper which can be prepar'd by the time the present conveyance may be ready to leave this port, and I have to hope they will be clear, distinct, and satisfactory.

Transmis-
sion of
accounts
and returns.

The papers which I here enclose are design'd merely to explain with as little trouble as possible to your Grace such things as I am desirous should be clearly understood.†

The
enclosures.

The monthly state of provision (No. 1) and the numbers victual'd are deliver'd to me regularly in consequence of an order I gave for that purpose in 1797. The purchases of late made are contained in No. 2, with the prices paid annex'd.

* Hunter to Portland, 4th July, 1799, ante, p. 688.

† Very few of these enclosures have been preserved.

1799
30 Aug.
—
Vouchers
delayed
pending
Palmer's
return.

As a farther reason why the necessary vouchers in support of the bills drawn have been delay'd so long, it becomes necessary to mention that Mr. Commissary Palmer, having written to the Acting Commissary that, as some alteration had taken place in his instructions, he was desirous that no accounts should be transmitted until his arrival, which has been so long look'd for that I gave directions there be no longer any delay, but the vouchers for the expenditure of the sums drawn, together with every other necessary paper, be immediat'ly forwarded.

I send a list (No. 3) of such materials as are wanted for carrying into effect our endeavours to manufacture both woolen and linen.

Return of
births and
deaths.

This being the last letter I shall trouble your Grace with by this conveyance (his Majesty's ship Buffalo, to the Cape for more cattle), and having this moment receiv'd the surjion's return of births and deaths, and a state of the hospital* during the last twelve months, I inclose them, and beg to refer your Grace to Mr. Balmain's letter to me relative to hospital stores and more medical assistance.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

Live stock
and
cultivation.

AN ACCOUNT of Live Stock and Ground in Cultivation in his Majesty's Settlement in New South Wales, in August, 1799.

By whom.	Horned Cattle.				Sheep.		Goats.		Hogs.	Acres in Wheat.	Acres in Barley.	Acres in Maize.	Acres in Oats.	Acres in Potatoes.
	Horses.	Mares.	Bulls and Oxen.	Cows.	Male.	Female.	Male.	Female.						
Government ..	5	17	122	360	169	339	23	23	30	200	..	80	..	..
Officers in general.	32	59	66	152	1577	2266	341	762	513	873	67	296	34	4
Settlers ..	10	15	4	5	270	482	548	1061	2916	4992	15	2156	4	..
Total ..	47	91	192	517	2016	3087	912	1851	3459	6125	82	2532	78	4

OBSERVATIONS.—Weak in field labor, owing to the various detachments of artificers and labourers employed in many essentially requisite public works.

There are large tracts of garden-ground, in which are contained, in the aggregate, many acres of potatoes. Much land on which the heavy timber is fallen, but not yet burnt off and prepared for cultivation.

J. HUNTER.

MR. JOHN THOMSON TO CAPTAIN SCHANCK.

Sydney, New South Wales,

8 Sept.

Dear Sir,

8th September, 1799.

I have taken the liberty of inclosing a letter for Mr. Grant,† which it will add to other obligations if you would be so good as transmit to where he is.

* This is the same return as that enclosed in Balmain to Hunter, 29th August, 1799, ante, p. 710.

† Doubtless Lieutenant James Grant, commander of the Lady Nelson. The letter is missing.

I hoped to have had the pleasure of hearing from you and my other friends in England per the Hillsboro', which arrived here with prisoners about eight weeks ago. She had a pretty good passage out, but lost a great many prisoners (not less than ninety-six) from a fever, occasioned by ill-usage and neglect of cleanliness. She afterwards proceeds on her voyage to Desolation Isle to procure sealskins. The Albion, with stores, had the most astonishing quick passage from England any ship has ever yet made—only three months and eleven days. She arrived here in June.

1799

8 Sept.

The transport Hillsborough.

The Albion.

We have had a very bad season last year, but this one bids fair to make sufficient amends for the last. The crops suffered from a great drought, and the colony would rather have been distressed for grain but for the arrival of a Spanish prize, laden chiefly with flour sent in by two whaleships, which had sailed from here last year, and captured by them on the coast of Peru. They give account that the whole naval force of Spain on that coast consisted only of one ship, and two brigs of 14 guns. Several whalers whose intentions were to have fished on this coast, animated by the hopes of privateering to advantage on the coast of Peru, have been furnished with letters of marque here, and have gone over on that coast. This has been a great loss to this colony, as we had no small dependance on the hopes of the fishery being established on our coast; however, two ships who have remained have succeeded pretty well; one of them, belonging to Messrs. Enderbys, is expected to sail for England next month full of spermaceti oil. We hope this success will encourage those gentlemen to repeat their trials.

The crops.

A Spanish prize.

Whalers as privateers.

Prospect of the whale-fisheries.

I am afraid the sealskin trade will not answer. A small vessel from China has been six months among some islands in lat'e 38°, and returned with only 1,500 skins. In that latitude has been lately discover'd a strait dividing Van Dieman's Land from New S. Wales; a lieut't* belonging to the Reliance lately passed thro' them and returned round the S'h Cape. There are some islands in these straits where seals appeared more numerous than where the vessel had been sealing.

The sealskin trade.

We have also some hopes that the coals with which the country abounds will be of much Colonial advantage. A ship lately returned to Bengal loaded with coals, and it gave no small satisfaction to every person interested in the prosperity of the colony to see this first export of it; and I am hopeful from these advantages that New South Wales, however contemptible it may at present appear in the list of our colonies, may yet become an acquisition of value to the mother country.

The coal-mines of the colony.

The Reliance is expected to sail soon for England, and Capt'n Waterhouse has promised to take charge for you of a piece of cedar of the country, and also a piece of wood very common here, and which I am told is much admired in England. A gentleman who

Colonial timbers.

* Lieutenant Matthew Flinders. Appendix B.

1799 has seen it says Mr. Nepean has got a small table of that wood, and
8 Sept. is extremely beautiful. I shall send them by Captain Waterhouse.

Be so good as give my respectful acknowledgements to the Judge,
and assure him of my remembrance of his favors. It will give me
much happiness to hear from you, if you can spare a few minutes
from the great press of public business which you are engaged in.
Make my compliments, &c. JNO. THOMSON.

This goes to the Cape of Good Hope per H.M.S. Buffalo.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

17 Sept. Dear Sir, Porpoise, Spithead, 17th September, 1799.

Departure of
the
Porpoise. I make no doubt but the receipt of this from me in an
English port will surprize you not a little. We thought ourselves
compensated for the long and ruinous detention we had escaped,
by the favorable wind that carried us out of the Channel and into
the Bay, where a strong gale of wind came on, previous to which
our tiller was carried away, and the head and main piece of the
rudder sprung in so dangerous a manner as to occasion us to apprehend
its going entirely before the gale subsided, which providentially
did not happen. As soon as we could have any intercourse
with the Admiral, and the danger of the defect was confirmed by his
carpenter, we were ordered to the first port in England. After
what has happened, I need not point out to you that while the
Porpoise retains her present shape and length she is much fitter
to be placed on your canal than to go outside a port. She is now
sufficiently stiff, and does much better than could have been expected
by the alterations she has undergone; but, unfortunately,
the very means to obtain this partial advantage has been the cause
of the rudder being carried away from its unnatural projection, on
which the body of receding water acts on it with such an increased
perpendicular violence, instead of coming to it obliquely, that
nothing can withstand it; and if they persevere in giving her a
rudder of greater dimensions, iron-strapped, iron tiller, &c., still
I fear the sternpost or gudgeons must necessarily go. I have
written very fully, and I fear too freely, on the subject to Sir
Andrew Hamond, whose answer, as well as the results of the
Board's deliberations on the master's representations, I shall
inform you of.

The cause of
the accident. The garden is in most excellent order, not a plant drooping
among them. The hops were cut down. After these many un-
toward circumstances, God alone knows when they will get to
their destination. I hope my best wishes for your health and
family's will be acceptable.

The plants. I am, &c.,

PHILLIP GIDLEY KING.

LIEUTENANT-GOVERNOR KING TO SIR A. HAMOND.

1799

Sir,

Spithead, September, 1799.

Sept.

As I have understood that an idea has gone forth that the Porpoise was constructed according to my wish, and as a name will be mentioned for whose character and abilities I have the highest respect, I have thought it more delicate to state the communication I had with the Board respecting the Buffalo and Porpoise in this manner than by adding it to the inclosed letter, which you may judge necessary to lay before the Board.

Preliminary remarks.

Some time after my arrival in England I saw an advertisement in the papers for the purchase of two ships for the use of the colony in N. S. Wales, and as I thought my communication respecting the kind of ship that would be useful might be acceptable to the Board, I waited on Mr. Hope (when you were confined in the country by indisposition) for that purpose, and soon after received a letter from the Board requesting my attendance. I then described the defect of the Reliance in having her fireplace and all the officers and people in the between decks, which left little room for receiving cattle. I therefore recommended the between decks to be at least five feet ten inches high, and to be appropriated entirely for keeping cattle, accommodation for the officers and galley to be on an upper deck, something similar to a three-decker West Indiaman.

Advertising for two ships.

Defects in the Reliance.

The next day I attended Sir J. Henslow and inspected several ships. The Buffalo was fixed on for one of the ships. As there was an objection to most of the other ships of height or tonnage, the other was not decided on. As no farther attendance on my part was required, I heard no more of the second ship until informed by a person that the Board had contracted for building one, the frame of which he had just seen, and did not think she would answer. I immediately went to look at it, when it appeared so extremely short, deep, and full that I observed it to the builder and overseer, who both agreed with me that, if she was finished in her then form, that she would turn out a very bad ship. The builder requested me to speak to Sir John Henslow that she might be lengthened ten or twelve feet, which he said the frame would admit of, and could be easily done. Two days after I met Sir John at the launch of the Ajax and mentioned my apprehension and the builder's observation, when Sir John's answer was that he thought she would turn out a very good ship, and that she was too far advanced to lengthen.

Selecting the vessels.

The frame of the Porpoise.

Sir John Henslow's opinion.

What has occurred since her being launched, near eleven months ago, has fallen under your own observation. Not having any invidious intention in writing this letter, but to remove any idea that may remain on your mind respecting any interference of mine in the construction of the ship being the cause of her turning

King not responsible.

1799.
5 Nov. the rate of somewhat more than £18,000 per annum, and no less than £29,177 ls. 3d. of the above sum is for grain and swine's flesh.* As the sums laid out in the purchase of these two articles respectively have not been kept distinct and separate, it is impossible to ascertain what part of the total sum it was necessary to apply to the purchase of swine's flesh, and what to that of grain: but I am clearly of opinion that if the labour of the men and women convicts who have been victualled at the public store during the period in question, with the exception only of the two convicts at most to each civil and military officer, had been fairly employed in the cultivation of the lands for the account of Government, no grain whatever need have been purchased for the public stores during that period; indeed, the fact speaks too plainly of itself to need any further comment.
- Cause of the dearth of grain.
- Salt provisions. With respect to the purchase of swine's flesh and fresh provisions, as it appears that you had a supply of salt provisions sufficient to last the colony till the spring of 1799, and as a further supply of seven hundred thousand pounds weight of salt provisions has been since sent to the colony, I have a right to expect to find that the charge for swine's flesh as well as for grain will in a great measure have ceased from the 30th of June, 1798, the period to which your account of the expence above mentioned is made up.
- Correspondence by the Barwell. The inclosures referred to in the duplicates of my letters which you received by the Barwell were transmitted by the Porpoise, and triplicates will now be conveyed by the Speedy, in which Lt.-Governor King resumes his voyage, after having been most unfortunately delayed by the return of the Porpoise into port.
- Allowance for stationery. It is my intention that the supply of stationery to the amount of £30 per annum shall be sent out annually for the use of his Majesty's Government in New South Wales, and a supply to that amount will be transmitted to you by this conveyance.
- Port wine for the officers. I have also directed ten pipes of port to be sent by the Speedy, or by the first opportunity, in case she cannot receive them, to be disposed of amongst the civil and military officers at prime cost, without any other additional charge than what may be necessary to cover the expence of freight and insurance; but with respect to spirits, the unauthorised and unrestrained sale of which has been so destructive to the colony, you will find by the inclosed copy of the letter† which I wrote to Mr. Secretary Dundas upon that subject that I have done my utmost to strike at the root of that alarming evil by preventing the exportation of it from that quarter, from whence I understand it has been most generally supplied;‡ and I cannot but be sorry to find myself
- Importation of spirits.

* See enclosure No. 1—Hunter to Portland, 7th September, 1798, ante, p. 478.

† This letter to Dundas will be found in its order of date (19th October, 1799), ante, p. 725.

‡ Portland here refers to the East Indies.

under the necessity of calling upon you to consult the instructions you received from his Majesty, and to remind you of the directions which have been repeatedly given relative to the restrictions under which such spirits as are admitted into the colony are to be disposed of.

1799

5 Nov.

I have laid before his Royal Highness the Commander-in-Chief your report of the conduct of the late Ensign Bond, whose resignation* should not have been accepted, as it was evidently given in with a view to defeat his being tried by a Court-martial. As the case now stands, he must be sent home by the very first opportunity.

The resignation of Ensign Bond.

On the subject of Norfolk Island, and of Captain Townson's conduct in the capacity of Lieut.-Governor of it,† there can be no doubt that it is his duty to communicate with you directly, as often as opportunities offer for his so doing; at the same time it is no less his duty, in consequence of the unavoidable separation between you and him, to omit no opportunity of transmitting information to his Majesty's Government whenever he is so fortunate as to obtain a conveyance for it by means of any vessel which sails from Norfolk Island without intending to touch afterwards at Port Jackson.

Captain Townson as Lieutenant-Governor of Norfolk Island.

With respect to the island itself, I am sorry to be under the necessity of observing that it appears from Captain Townson's account to have been left for a considerable length of time without receiving that assistance from you which he had represented the island to stand in need of. Indeed, it appears from Captain Townson's letter to me of the 9th of May, 1798, to have been reduced to that state of extremity which you can only be justified in having suffered by the absolute impossibility of relieving it from New South Wales, a case of which it is very difficult to suppose the existence.

State of Norfolk Island.

Captain Townson observes that from an oversight in the Judge-Advocate, who had not properly explained the Patent earlier, nine persons, who had been capitally convicted, have received conditional pardons from himself and Governor King. He also very properly observes on the dreadful state of suspense which those people must have suffered from the uncertainty of their fate for two years. As I have not their names, I cannot obtain a pardon for them under his Majesty's sign-manual; but they should be forthwith assured of receiving the Royal mercy as soon as I can be furnished with a list of them.

Pardoned convicts in suspense.

With respect to the comparative degree of expence incurred at New South Wales and Norfolk Island, it certainly appears, from the concise statement you have given of it, that that of Norfolk Island has exceeded that of New South Wales nearly in the proportion of two to one in the course of the period for which you

Comparative expence of Norfolk Island and New South Wales.

* Ante, p. 484.

† Ante, pp. 448, 449.

1799 have stated it; but whether this alarming excess has arisen from
 5 Nov. the state of want and distress to which that island appears to have been reduced, or for want of proper management, it is impossible at present to determine. Taking the comparative average of expences of both places from the commencement of the settlement, the result, as far as I have been able to calculate, is much in favour of Norfolk Island, and the excess to be greatly on the side of New South Wales, for I observe that the bills drawn by you from September, 1795, to this date, which have been received here, amount to £80,854 8s. 6d., and those drawn from Norfolk Island by Governor King and Mr. Townson amount to £4,012 4s., and how much of the former sum has been applied to the expences of Norfolk Island the documents before me do not enable me to form any conjecture.

Portland disapproves of Hunter's administration,

and recalls him.

Having now made all the observations which appear to me to be necessary on the points contained in your several dispatches, which are now before me, it is with very sincere concern that I find myself obliged to add that I felt myself called upon by the sense of the duty which I owe to the situation in which I have the honour to be placed to express my disapprobation of the manner in which the government of the settlement has been administered by you in so many respects—that I am commanded to signify to you the King's pleasure to return to this kingdom by the first safe conveyance which offers itself after the arrival of Lieutenant-Governor King, who is authorised by his Majesty to take upon him the government of that settlement immediately on your departure from it.

I am, &c.,

PORTLAND.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

8 Nov.

Dear Sir,

Portsmouth, 8th November, 1799.

King's projected departure in the Speedy.

It was my intention to have come to town for no other reason than to have paid my respects to you previous to my departure, but the consequence of a severe cold caught in the damp structures at this place has hitherto put it out of my power, and as the Speedy, whaler, is expected round here the first fair wind, it is probable the wind that brings her round will be that with which the convoy will sail, as they only wait the ships from the Downs.

The Lady Nelson.

You will, sir, have been informed by Capt. Schanck what has been and what remains to be done to the Lady Nelson. I do not doubt but you will be able to settle it at the Adm'ty for Flinders* to have the command of her. I wish it was earlier in the year, but if she turns out as good a seaboard as Capt. Schanck thinks she is, there is no great fear of her getting out safe; and when there she certainly will be a most useful vessel. The young man who takes

* In this King was disappointed; the command was given to Lieutenant James Grant.

THE DUKE OF PORTLAND TO THE ADMIRALTY COMMISSIONERS. 1799

My Lords, Whitehall, 5th October, 1799. 5 Oct.

The Porpoise, armed ship, destined for the service of his Majesty's settlement at New South Wales, having been under the necessity of returning into port, and having been since declared unfit for that service, I have the honour to signify to your Lordships his Majesty's commands that she should be replaced as speedily as possible by another vessel to be appointed for the same service, and to carry out the garden, stores, and passengers which were to have gone by the Porpoise.

H.M.S. Porpoise to be replaced.

From the great delay which has taken place in the sailing of the Porpoise, added to the time lost by her being obliged to put back, I must observe to your Lordships that it is of material consequence to the settlement that the vessel replacing her should be dispatched as speedily as possible.

Necessity for despatch.

I understand from Lieut.-Governor King that the Infanta Amelia, prize to the Argo, now lying at Portsmouth, is a vessel in every respect proper for this service, and might sail immediately. I merely mention this circumstance in case your Lordships should judge proper to make farther enquiries of Lieutenant-Governor King respecting the said vessel.* I am, &c.,

A Spanish prize.

PORTLAND.

LIEUTENANT-GOVERNOR KING TO SIR JOSEPH BANKS.

(Banks Papers.)

Dear Sir, 33, Surry Street, Strand, 6th October, 1799. 6 Oct.

I received yours of the 21st ultimo, which I should have answered some days ago, but that I could not give you any satisfactory information respecting our future operations. I came to town the 22nd ultimo, when it was fixed that I was to go out in a whaler which had just been taken up to carry out fifty female convicts and some stores.† I soon after received a letter from the Admiralty, requiring my opinion of the Porpoise's qualities, which I gave at full, and in which I did not extenuate or set down aught in malice. This account, Mr. Nepean tells me, was so highly satisfactory to their Lordships that they ordered the Porpoise to be disposed of. I had seen a Spanish prize at Portsmouth, prize to the Argo, of the same tonnage and dimensions as the Porpoise, lately launched at Bilbon, coppered and copper-fastened, and everything compleat and ready to go to sea in a short time. This I communicated to the Admiralty, and by last Friday's post she was ordered to be surveyed, and will be purchased, taking in the

King to sail in a whaler.

The Porpoise condemned.

A Spanish prize.

* This vessel was purchased and re-christened the Porpoise. She was then rigged with the spars and tackle of the old Porpoise, and commanded and manned by the officers and crew of the condemned vessel. She sailed for Sydney on 17th March, 1800, arriving there on 7th November following.

† The ship referred to was the Speedy, in which King and his family sailed.

1799

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

10 Nov.

Sydney, New South Wales,

10th November, 1799.

My Lord Duke,

Register of
shipping
entrances
and
clearances.Richard
Atkins's
services.

In obedience to the orders contain'd in your Grace's letter of the 10th April, relative to the keeping a correct register of all ships entering into or clearing out from this port, I have seen it necessary to appoint to the management of that duty Richard Atkins, Esq. That gentleman has officiated as a civil magistrate for the last seven years; he is Registrar of our Court of Vice-Admiralty, and he has assisted me in the inspection of the public works carrying on in and about Parramatta, Toongabbe, &c.; in which several offices he has at all times given me the most perfect satisfaction. He is one of those whom I have excepted when representing the body of the officers being concern'd in the trade complain'd of. But from none of his appointments does he receive a single shilling; he, however, has cheerfully undertaken this duty, finding I had no other fit person to appoint to it.

Hunter
without a
secretary.

Your Grace will discover, by my whole correspondence having been so long written in my own hand, that I am, thro' the loss of my secretary, without that assistance which my situation requires, and that I, consequently, must employ some capable and intelligent person to undertake the management of the register now order'd to be kept.

Duties on
imports.

I cannot omit upon this occasion to express my satisfaction at this measure, because I foresee that the growing consequence of this colony will probably give occasion to the establishment of certain dutys upon all imports from the East Indies, America, coast of Brazil, &c., which will not only help to defray the expences of the colony, but will be felt as a very considerable relief to the laboring people of the settlement, inasmuch as it will effectually cut up the destructive monopolys and ruinous traffic so long and so heavily felt.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

10th November, 1799.

My Lord Duke,

The copper
coinage.

By your Grace's letter of the 12th April last, which I had the honour of receiving by the ship Walker, I learn that a copper coinage to the amount of £550 may be expected by the Porpoise. The circulation of this money will be attended with the most comfortable accomodation to the people in their various dealings with each other.*

I do not, as your Grace has observ'd, see any inducement or interest which can encourage any to take it out of the colony; but I shall not fail upon its first issue to publish such Order as may prevent any attempt. Shou'd it at any time hereafter be found

* Ante, pp. 641 and note, 648, 655, 657, 671.

that, as few seamen know anything about the management of a cutter, her being constructed into a brig would make her more manageable to the generality of seamen, and in such idea Commissioner Schanck fully concurs. P.G.K.

1799

8 Oct.

SECRETARY NEPEAN TO LIEUTENANT-GOVERNOR KING.

Sir, Admiralty Office, 9th October, 1799. 9 Oct.

In return to your letter of this day's date requesting that your son Philip King may be placed on the list of candidates for admission into the Royal Academy at Portsmouth, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that directions are given for that purpose.

I am,
EVAN NEPEAN.

GOVERNMENT AND GENERAL ORDER.

9th October, 1799.

WHEREAS a number of the public labouring servants of the Crown have very lately absconded from their duty, and are many of them said to have taken to the woods, and do of course mean to live by robbery; others are supposed to be concealed in ships now about to depart from this port: This public notice is given that none of those concerned in concealing such worthless characters may plead ignorance; that any officer or man belonging to ships who shall be known to have countenanced or assisted convicts in making their escape shall be taken out of the ship, detained, and punished with the utmost severity of the law; and as the most strict and scrupulous search will take place on board for every convict who may be found concealed or suffered to remain on board without regular permission, so many of the ship's company shall be taken out and detained for daring to encourage such escape.

Convicts
escaping.

Warning to
persons
aiding them.

JNO. HUNTER.

THE DUKE OF PORTLAND TO THE RIGHT HON. HENRY DUNDAS.

Sir, Whitehall, 19th October, 1799. 19 Oct.

I have but too much reason to believe that it is the practice of persons going from the East Indies to the colony in New South Wales to take on board their ships great quantities of spirits, which are disposed of to the settlers, and even to such of the convicts as can afford to purchase them, by which means the fruits of their industry, consisting of their live stock and every other article of provision, as also of cloathing, become sacrificed to the exorbitant demands of those who retail that pernicious article, and the improvement of the settlement is very much retarded, and

Spirits
from India.

Pernicious
effects on
the
colonists.

1799
19 Oct.
—
Exportation
from India
to cease.

the public expences incurred on its account are proportionably increased. I have therefore to request that you will be pleased to take the proper steps for preventing the exportation of spirits from the different Presidencies in India to that colony, as it is intended in future to send from this country such a quantity of spirits as may be judged necessary for the consumption of the colony in order that it may not be distributed, except under proper licences and certificates, to be granted by the Governor of the settlement.

I am, &c.,
PORTLAND.

UNDER SECRETARY KING TO THE TRANSPORT COMMISSIONERS.

23 Oct.
Port wine
for the
officers

Gentlemen, Whitehall, 23rd October, 1799.

I am directed by the Duke of Portland to desire you to purchase ten pipes of red port wine, for the use of the civil and military officers of the settlement at New South Wales; and that as much of it as can be stowed on board the *Speedy* may be sent by that conveyance, and the rest by the first vessel that may be chartered for that settlement.

to be sold at
cost price.

As this wine is intended to be sold in small quantities at prime cost (a reasonable allowance for freight, &c., being to be added to such prime cost), it will be necessary to specify in the invoice the price at which it is to be retailed, and that the said wine should be consigned to the care and direction of the Governor at Sydney.

I am, &c.,
JOHN KING.

UNDER SECRETARY KING TO COLONEL CALVERT.

24 Oct.
Ensign
Bond's
resignation.

Sir, Whitehall, 24th October, 1799.

The Duke of Portland having received information from the Governor of New South Wales that Ensign Bond, of the New South Wales Corps,* has resigned his Commission in that Corps, and, as it appears, evidently with a view of avoiding being brought to a Court-martial for endeavouring to stir up a mutiny among the convicts on board the *Barwell*, East Indiaman,† whilst on their passage to New South Wales, I am to acquaint you, for the information of Sir William Fawcett, that under these circumstances his Grace has thought proper to give directions for Mr. Bond's being sent to this country by the first opportunity. I am further to acquaint you, for Sir William Fawcett's information, that his Grace understands Lieutenant Cummings, an officer at present in

Lieutenant
Cummings.

* See Hunter's letter to Portland, 12th September, 1798, ante, p. 483; and Portland to Hunter, 5th November, 1799, post, p. 737, in which the Duke expressed his opinion that Bond ought not to have been allowed to resign.

† The inquiry before the Vice-Admiralty Court at Sydney into the circumstances of the mutiny on the *Barwell* will be found on p. 453, ante.

DISCOVERY OF HUNTER RIVER.

727

the New South Wales Corps, still continues to receive pay, notwithstanding his having long since resigned his Commission in the regiment. 1799
I am, &c., 24 Oct.
J. KING.

DISCOVERY OF HUNTER RIVER.*

25 Oct.

WHEN the last accounts left New South Wales, the Governor was going to send Lieut. John Shortland (first lieutenant of his Majesty's ship *Reliance*) in the Colonial schooner, to survey the coast. Some months previous Lieutenant Shortland discovered a very fine river, which it is thought will prove of great advantage to the colony, as, from the survey he then had an opportunity of taking, he thinks vessels from 60 to 250 tons may load there, and be completely landlocked. The river lays N.N.E. about 63 or 65 miles from Port Jackson. *Discovery of Hunter River.*

A LETTER FROM SYDNEY.†

EXTRACT of a letter from a gentleman who went passenger in the *Barwell*, Capt. Cameron, to New South Wales, Sydney Cove, Sept. 5, 1798 :— 26 Oct.

THE loss of the *Lady Shore*, Captain Willcocks, which I mentioned in my letter from the Cape of Good Hope, has reduced this colony to great distress for supplies, and the appearance of an English ship off their coast revived the drooping spirits of the people, and diffused universal joy around. You will judge of their situation when I tell you that, some months previous to our arrival, tea had eagerly been bought at four guineas a lb. ; soft sugar at 7s. 6d. per lb. ; spirits, of a very inferior quality indeed, at four pounds per gallon ; tobacco at 24s. per lb. ; and every other article extravagantly dear in proportion. After so long and serious a dearth, it could not be supposed that we could administer much to the general necessities of so extensive a colony ; but it broke the ice, and was a relief truly welcome. *Loss of the Lady Shore.* *Famine prices.*

More than twelve tedious months had lingered away since the inhabitants had hailed one vessel in their harbour ; but soon after our arrival no less than six entered the Cove, close upon the heels of each other. The *Britannia*, from England, with female convicts, came in early in July, and since then we have had several *No vessel for twelve months.*

* Reprinted from the *True Briton* of 25th October, 1799. The river was named Hunter River, in honor of Governor Hunter, by Lieutenant Shortland, its discoverer. The native name of the river was "Coquon." Shortland discovered the river in September, 1797, when in quest of convicts who had seized the Cumberland—the Government boat for trading to the Hawkesbury.—*Ante*, pp. 347, 481. As early as June, 1798, a party of fishermen reported the discovery of gold in the vicinity of Port Stephens.—Collins, vol. 1, p. 484 ; vol. II, p. 43.

† In the *Christian Observer*, July, 1802, appeared the following paragraph :—"Governor King had formed a small settlement at Hunter River for the purpose of working the coal, which is of the same nature with that of Newcastle."

† Reprinted from the *True Briton* of 26th October, 1799.

1799
15 Nov.
Hunter's
orders and
regulations.

is not improbable, and that he and his associates, as probably as any others, have been the purchasers ; such orders, however, as have appear'd proper for preventing grievances of this nature, your Grace will be satisfied by looking into the general regulations, have never been omitted when seen necessary ; and that your Grace may the more readily have references to those General Orders, I will add a kind of index, which will point out the date of particular regulations under their respective heads.

Transmis-
sion of
regulations
to England.

Your Grace has desir'd I will transmit an account of such directions as I have occasionally given out upon the general concerns of the colony. You will pardon me, my Lord, for saying, that your Grace having shewn by this desire an opinion that I had been so remiss in my duty as to have neglected a part so essential, so indispensibly requisite for your Grace's information, gives me great pain and concern, because conscious that at the very moment when your Grace has appear'd to censure me for this omission those very regulations were laying in your Grace's office ; they have been regularly transmitted with my dispatches from time to time, and to them I have had frequent occasion to refer

A duplicate.

your Grace. But lest they may have been accidentally mislaid, I send inclos'd another copy, to which I intreat your Grace's attention. No information, my Lord, relative to the concerns of this colony which it may have appear'd necessary your Grace shou'd possess has ever been suppress'd ; I have rather been of opinion I shou'd be consider'd too minute. Suffer me here to refer your Grace to a Public Order of the 25th June, 1798.* In this there appears an evident design of a confederated interest to deceive me. Had this proposal been follow'd up, an end wou'd have been put to the oppressive monopolys complain'd of, but it was not so.

Hunter
acquitted of
any partici-
pation in
monopolies.

Your Grace is so good as to say it does not appear that I have any participation in the iniquitous proceedings mention'd in the letter. Pardon me, my Lord, for observing that I feel this as a doubtful or negative acquittal ; I hope, therefore, upon this subject your Grace will have the goodness to institute, if possible, such enquiry as may serve for satisfying your own mind, and for wiping away the odium of even the most distant conjecture to the injury of my reputation.

Such things having happen'd immediat'ly under my government, I agree with your Grace will appear unfavourable to my administration of the government, but that can only be in the opinion

* Ante, p. 408. This was the Order endorsing the agreement between the principal inhabitants and the officers to act as commercial agents for the whole colony. Hunter appears to have overlooked the fact that in sanctioning this agreement he practically lent his countenance to the trading transactions of the officers which he so often censured in his letters to the Duke of Portland. The promulgation of this Order, which Hunter regarded with so much satisfaction, was one of the reasons why he was recalled.—Portland to Hunter 6th November, 1799, ante, p. 734.

will be taken by the Court of Directors to prevent, as far as in them lies, the exportation of spirits from the Company's Residencies in India to that settlement in future. We subjoin, for his Grace's information, a memorandum of the quantity of rum exported from Calcutta to New South Wales in 1796-7 and 1797-8, with the value thereof.

We are, &c.,

S. W. N. LUSHINGTON.

HUGH INGLIS.

Rum Exported to New South Wales.

In 1796-7, 25,000 gallons; value, 18,570 rupees.

In 1797-8, 11,138 gallons; value, 9,745 rupees.

1799

28 Oct.

Quantity of
rum ex-
ported to
New South
Wales.

A LETTER FROM SYDNEY.*

Extract of a letter from on board the ship *Indispensable*, dated Sidney Cove, Port Jackson, Sept. 8, 1798. 31 Oct.

Dear Father,

Botany Bay.

An opportunity now offers by the sailing of the *Barwell* for China of informing you I am still amongst the living. By my last letter I informed you of my having laid in an investment at the Cape for this place. The market at present is very bad. The *Barwell* having brought a large cargo from England, a vessel of 300 tons lately having arrived from Bengal, and an American vessel from the Mauritius, with a cargo of tobacco and spirits. These vessels have drained the place of all the cash. They are, however, all on the point of sailing, so that we shall shortly be able to make our own markets; at least till the corn-bills begin to float again: this you will want an explanation of.

The market
at Sydney.

The farmers who raise corn, pork, &c., deliver it into the Government storehouses, and receive a promissory-note for the amount of each delivery;† these notes circulate till they fall into the hands of the officers and other traders (for an officer in this 5th division of the *Globe* is nothing more than a dealer); these people pay them again to the captains and officers of the ships who bring investments, who carry these bills to the Commissary, who gives them bills upon the Treasury for the whole amount. Those bills are seldom paid till about six months after they are presented, and if carried anywhere else, viz., to China, Bengal, &c., they lose 30 per cent. of their value; so that a merchant ought to be well paid for bringing his merchandise to this port; and, candidly speaking, he generally is. The Paymaster's bills are better, being paid as soon as due.

Method of
payment.

Currency of
store-
keepers'
receipts.

You would be surprised at the amazing fertility of some parts of the country. There are many farms at this present moment

Fertility of
the soil.

* Reprinted from *St. James's Chronicle* of 31st October, 1799.

† The Duke of Portland, in his letter of 5th November, 1799, censured Hunter for allowing the Commissary to issue these notes.—*Post*, p. 734.

- 1799
15 Nov.
A shipbuilding firm.
- Limiting their operations.
- A fishing-boat.
- Examination of the coast.
- Trading abuses.
- Their extent and origin.
- Hunter claims Portland's protection.
- With respect to the vessel which I had permitted them to build, and to complete which they were assisted with materials out of the public store by my direction, to compensate them for a boat they had unfortunately lost, I allowed them to send her with a small venture they had for Norfolk Island, but being restricted by my instructions in the building of vessels which might be capable of infringing on the charter of the East India Company, and having reason to suspect that they wish'd to make a run to China with her, I determin'd to limit them by the inclos'd certificate,* which I conceiv'd quite sufficient for their protection from that danger he has been desirous of making his friends believe they were in, for want of a regular register, and with which certificate they were perfectly satisfied, and admitted it was a sufficient protection. Your Grace will judge from this circumstance the credit due to such a character.
- Their former boat—if he wishes to allude to her—I have to observe that she was built intirely for fishing along this coast, and required no other mark, distinction, or authority than any other built for such purpose. Had they requir'd a certificate they might have had one; but as the escape of convicts was at that time but too frequent, I was in doubt whether such a boat, so authoris'd, might not have too well answered that end.
- His ideas upon discoveries and examination of coasts, &c.—The ignorance of the man upon such subject renders all he says unworthy notice; and I am of opinion your Grace does not expect that I shou'd condescend to put my nautical judgment and experience in competition with such superficial pretender.
- The trade he speaks of and the hucksters he has mention'd, I apprehend, my Lord, upon that subject it is not necessary I shou'd add anything in this letter. I have already written pretty fully, and to that correspondence I must beg to refer your Grace. I have also taken the liberty of mentioning in what way we might get the better of the poverty and beggary it occasions. I will not, my Lord, presume to suggest what are the most effectual steps to be pursued for obtaining that correct and impartial statement of the degree to which the monopolys and other malversations complain'd of have been carried, and who the persons are who have been concern'd in them. Your Grace will clearly discover that such enquiry will be most effectually made by disinterested persons, unconnected with the partys accus'd as well as those who complain.
- I have no desire to detain your Grace a moment longer than may be necessary, but you will permit me, my Lord, to say that the situation I have the honor to fill under your Grace's immediate authority and direction obliges me to claim, from that justice for which your Grace is so eminently distinguish'd, that protection for my character which an officer serving at so great a distance may

* This certificate is missing.

THE LONDON MISSIONARY SOCIETY TO GOVERNOR HUNTER.

1799

Sir,

October, 1799.

Oct.

Whereas several individuals sent out to the South Sea Islands by the London Missionary Society, with a view to introduce among the natives the principles of the Christian religion and of civilization, have removed from Otaheite to New South Wales, we beg leave to inform your Excellency that in the letter which our Society are sending them by this opportunity we express to them our expectation that they will be disposed to embrace any occasion which may offer to promote these objects in the situation wherein they are now placed, or in any other which may present a favourable opening for attempting the improvement and instruction of the uncivilized part of mankind; and presuming that in order to carry such an object into effect it may require some pecuniary assistance, we have informed them that we have requested and authorized your Excellency to draw on our Treasurer (the undersigned) for the sum of two hundred pounds, which is to be considered as a fund not applicable to their private purposes, except there should be some very urgent occasion for it, but for the purposes of the conversion and civilization of the heathen. The brethren are to unite in their application for this money, and state to your Excellency the occasion on which they are desirous of its appropriation. The regard which you feel for the welfare and improvement of the human race will, we trust, be an efficacious apology in our behalf for the freedom we now take.

Removal of missionaries from Otaheite to Sydney.

Hunter authorised to advance them £200.

By order of the Directors of the Missionary Society.

I have, &c.,

JOSEPH HARDCASTLE,

Treasurer to the Missionary Society.

[Extracts.]

THE LONDON MISSIONARY SOCIETY TO THE MISSIONARIES AT SYDNEY.

THE colony in which you now reside is rapidly encreasing in population, and from its peculiar construction presents an inviting opening for evangelical labours. You are connected with a state of society peculiarly depraved, but yet so circumstanced as to render the Gospel more especially seasonable and suitable to them, and you will seriously consider by what plan of proceeding your residence among them can promote the most extensive good.

New South Wales as a missionary field.

* * * * *

There is one branch of duty, however, of peculiar importance for the discharge of which we hope most of you are qualified, and which is equally incumbent on the preacher and on the lay brother; we refer to the education and religious instruction of the children both of the convicts and the poor colonists and of as many of the

Education of the young.

1799 into an unguarded manner of expressing myself, I trust that the
 15 Nov. feelings of your Grace's own impartial and upright mind will
 allow for and pardon it.* I have, &c.,

JNO. HUNTER.

The military officers apply for an investigation. P.S.—The military officers have applied to me for an investigation of their conduct with respect to the charges exhibited against them in the anonymous letter already mentioned. Your Grace will judge how far it will be possible for me to enter with effect into such an investigation. In the present state of the trading interests in this colony it would require the attention of men unknown to and unconnected with any of the parties accused.

LIEUTENANT-GOVERNOR KING TO UNDER SECRETARY KING.

17 Nov.

Sir,

17th November, 1799.

The detention of the Porpoise.

It is now fifteen months since the Porpoise ought to have sailed for N. S. Wales. This detention has been occasioned by the necessity of the ship undergoing a great alteration to make her at all fit to go to sea, and when the attempt was made obliged to return with the loss of her rudder and her unfitness to proceed, in consequence of which she has been deemed unfit for that service, and another vessel is preparing to replace her. The consequence of this long detention has been the total ruin of every perishable article put on board the Porpoise ever since August, 1798, by those going passengers, owing to the wetness of the ship and other causes, exclusive of the consumption of those articles designed for their comfort and to prevent the scurvy during so long a voyage.

Consequent loss of perishable goods.

Salary of a professional weaver.

Advances by King.

Edward Wise, who was engaged by me, whose agreement you are possessed of (it being approved by his Grace the Duke of Portland), was to receive the salary of £80 a year from his embarkation (the 2nd October, 1798), until a progress was made in manufacturing linen, &c., which salary I was to pay him, as appears by the agreement. In consequence of the distresses he has experienced from the causes I have already mentioned he has made the application contained in the inclosure,† and as I passed my word with a tradesman to furnish Edward Wise with articles for his outfit in October, 1798, to the amount of £30, and being responsible for that amount, I have drawn for the sum of £80, on his Majesty's Treasury, being his year's salary ending the 2nd of October last. The bill is drawn in favour of Edward Wise's agent, who I have instructed to pay the tradesman the £30 for his first outfit. I have enclosed Edward Wise's receipt for his year's salary.

I am, &c.,

P. G. KING.

* Before Hunter had penned this letter in defence of his administration the Duke of Portland had signed the despatch of 5th November, 1799, recalling him.—Ante, p. 738.

† Wise applied for one year's salary, dating from his embarkation, 2nd October, 1798. This request of Lieutenant-Governor King was granted. Wise did not live to reach New South Wales; he was drowned at sea during his passage with King in the Speedy.

here anticipate, and which may occasion an expence which you may not be able conveniently to sustain, we think it right to authorize the Governor of the colony in such a case to draw upon our Treasurer as much as may be requisite, not exceeding the sum of two hundred pounds. This you will consider as a fund lodged with him for evangelical purposes, and not applicable to private or individual convenience, except in a case of great urgency. The request to be made to the Governor on this occasion must be sanctioned by the whole body of the brethren, or as many of them as may continue to reside in New Holland at any of our present settlements.

1799

Oct.

Power to
draw upon
the
Governor.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

Sir,

Whitehall, 5th November, 1799.

5 Nov.

I have laid before the King your letters of the dates and numbers mentioned in the margin.*

Hunter's
despatches.

Before I enter into the particulars of those dispatches I must observe to you that the last general return which you have transmitted me from the settlement is as far back as the 31st of August, 1796, and I must remind you that, besides the general return of the whole settlement and of the returns in store in the usual form, you are instructed to send returns of all other articles in store, with a list of such as are or will be at a certain period more particularly wanted, instead of attending to which regular mode of proceeding you have left it to be gathered and collected as it could from detached parts of your correspondence what was the state of the settlement in regard to supplies of every description.

No returns
since 1796.

Your letter No. 33† states the arrival of the Barwell "with a few stores," and acknowledges the receipt of my letter of the 31st of August, 1797. Upon examination of the lists and bills of loading inclosed in that letter, and upon a comparison being made of them with the stores brought over by the Barwell (which it was your duty to have done), you could not but have seen that they included, amongst a great variety of others, every one of the particular articles which in No. 33 you state the settlement to be most in need of, the value of all which you would also have found amounted to £2,261 10s. 7d. prime cost, exclusive of thirty tons of steel and iron, of which the last-mentioned article made the principal part.

Stores
forwarded
by the
Barwell.

You inform me that part of the expences for discharging, which you drew bills on your first arrival at the settlement, were incurred

Bills drawn
for expences
of Hunter's
predecessor.

* 1798.—10th January, No. 30, ante, p. 343; 15th February, No. 31, ante, p. 355; 1st March, separate, ante, p. 363; 2nd March, No. 32, ante, p. 365; 25th May, No. 33, ante, p. 385; 1st July, No. 34, ante, p. 403; 25th July, separate and particular, ante, p. 418; 20th August, No. 35, ante, p. 448; 20th August, No. 36, ante, p. 449; 7th September, No. 37, ante, p. 476; 25th September, ante, p. 492.

† Ante, p. 385.

1799 STATEMENT of work executed at the different Settlements during
31 Dec. the year 1799.

Men Employed.	Work Executed.
AT SYDNEY.	
Nineteen carpenters, wheelwrights, barrow-makers, and labourers.	Made brick and tile moulds, tables, &c., &c., for a second gang of brick-makers; 14 tables, 24 cedar and 12 mahogany chairs, 8 doors, 4 writing-desks, 1 dripstone-stand, 1 washing-stand for Mrs. Dore; framed a roof 100 feet long by 18 wide; made doors, shutters, &c., for a new military barrack: repaired the inside of Lieutt.-Colonel Patterson's house, put up cupboards, shelves, bedsteads, &c., in it; fitted up a house for Major Fovaux with cupboards, shelves, &c.; repaired the houses of Ensigns Moore and Mandrell; made 160 yokes for oxen; pailed in a yard for the working oxen; rep'd the gun-carriages at the fort; 4 men constantly making and repairing spinning-wheels, weavers' looms, &c.; made 5 carts, 1 timber carriage, 1 dray for carrying stone, 3,012 ax, hoe, and spade handles; pailed in a large garden for Ensign Bayly; took down the materials of the old mill, that was worked by men, to forward the building of the windmill; made 156 wheel and 20 hand barrows.
Twenty-seven shipwrights, caulkers, boat-builders, labourers and watchmen in the dockyard.	Rep'd all the boats in the service of Gov't, and made oars for them; 15 men constantly building the brig and Cumberland; built a boat for Mr. Balmain; caulked his M. ships Reliance and Supply; made a topsail yard for and lent 5 men to assist the rep'g and caulking H. M. ship Buffalo; 3 men 30 days fitting up cabins, making coops, &c., on board the Britannia; fixed a crane on board H. M. ship the Supply and repaired her boat; repaired Mr. Williamson's, the hospital, and South Head boats; one man the whole of the year employed by Mr. Dore.
Seven taylors	Made 517 pairs of trowsers, 63 coats, 302 jackets, 65 pair of breeches, 72 waistcoats, 1 suit of sails for the windmill, 308 bags for wheat and 68 do. for charcoal.
Thirty-three brick and stone layers, plaisterers, and labourers.	Built an oven, plaistered and whitewashed a house for Mr. Balmain; paved the kitchens and yards at Doctor Thompson and Wentworth's houses; laid the foundation of a new goal; rep'd and whitewashed the car-

As you represent the utility which would be derived to the settlement from the establishment of a public store under the direction of Government for the retail sale of various articles, I know not how to account for your not having adverted to the directions which were transmitted to you for that very purpose in my letter of the 31st August, 1797,* by which you would have found that you were directed to receive the value of the articles to be sent from hence in grain and live stock from the settlers and others purchasing the same, as that letter must have been in your possession at the time of your writing.

1799

5 Nov.

A public store.

You mention your having erected a few redoubts and having repaired a battery, but that you are in want of small arms, ammunition, &c. These articles, with four cannon, have been sent to you by the Walker, South Sea whaler.

Arms and ammunition.

It does not appear to me to be necessary to appoint any other engineer than such officer as, upon communication with Colonel Patterson, shall be judged most competent to that service.

An engineer.

You state that there is a sufficiency of salt provisions in the colony to last till the spring of this year, in addition to which upwards of 700,000 lb. weight of salt provisions have been sent to the settlement.

You also gave it as your opinion† that if proper salt-pans, salt-petre, and coarse sugar were sent to Norfolk Island it would be able to supply New South Wales with a quantity of salt pork. As for salt-pans, you should not be ignorant that they were long since sent to New South Wales, and it must have depended upon yourself by proper application to have been supplied with salt-petre by means of the vessels which have resorted to you from the East Indies. At all events, therefore, as I have heretofore observed, the experiment of salting pork in Norfolk Island ought long since to have been made, and I have no doubt it would have succeeded, and will succeed perfectly well without the article of brown sugar.

Arrangements for salting pork.

The additional allowance required by Mr. Balmain of 5s. per diem for attending the sick sailors in the hospital, in lieu of 13s. 4d. now allowed for every cure, is a matter of arrangement which must be made with the Navy Board or Admiralty, and cannot be included in the estimate for New South Wales.

Allowance to the surgeon.

In consequence of the requisition you have transmitted for medical and hospital stores, I have directed the articles specified in the inclosed list to be sent by the Speedy.‡

Hospital stores.

I have examined the statement you have transmitted of the expences incurred in New South Wales and Norfolk Island—the first for one year and ten months, ending the 30th June, 1798, amounting to £34,822 1s. 4d.; and the latter for a year and a half, amounting to £9,669 0s. 6d. According to this calculation, the expences incurred in New South Wales for the time stated are at

Expenses of Sydney and Norfolk Island.

* Ante, p. 297.

† Ante, p. 409.

‡ The list of articles is missing.

1799

Statement of work executed, &c.—*continued.*

31 Dec.

Men Employed.	Work Executed.
Nine sawy'rs	Cutting plank for the brig and Cumberland, in the dockyard ; boards, rafters, &c., for the several buildings.
One ropemaker and one assistant.	Makeing cordage for various uses out of curry-jong.
Twenty-four men making bricks.	Made 12,000 bricks p. week.
Six men	Made 3,000 tiles p. week.
One overseer and twelve men to two timber-carriages.	Bringing in timber to the saw-pitts, dock-yard, &c.
One overseer and ten men to four carts.	Bringing bricks to the several buildings, grain to the store, &c., &c.
Three men splitt'g shingles	Split 2,000 p. week.
Three men splitt'g laths ...	Split 2,000 p. week.
Three barbers	Shaveing all the servants of Government.
One sadler and harness maker.	Makeing and repairing harness, collars, &c., &c.
One bellman	Giveing publick notices, &c.
One bookbinder	Binding books for the Commissary's Office, &c., &c.
One sexton... ..	Tolling the bell, digging graves, &c., &c.
One miller and one assist't	Attending the windmill, grinding wheat for ye store.
Two overseers and twenty-four men.	Cutting posts, rails, and rafters, splitting pail-ing, unloading ships, longboats, and rep'g the roads ; stowing the stores ; taking care of Gov't cattle in the country and at Sydney.
Two basket and sieve makers.	Makeing and repairing baskets and sieves.
One coxswain and eight men.	Belonging to his Excellency the Governor's boat.
One coxswain and four men.	In the longboats carrying provissions to Paramatta, and bringing grain, boards, &c., from thence.
One master and five men	In the Norfolk, sloop, carrying provissions, &c., &c., to the Hawkesbury, and bringing grain, cedar, &c., from thence.
One gardiner and two labourers.	Emp'd at the garden belonging to Government House.
One watchmaker	Repairing and keeping in order watches, &c.
One executioner and one assistant.	N.B.—He being a free man, had two men allowed to his farm for his services.
Thirty-six constables and watchmen.	At Sydney, the brickfields, and all the adjoining districts.
One printer	Printing publick orders, notices, &c., &c.
One millwright	A disabled man, superintending the building of the new w'dmill.
One master and eleven men	In H.M. schooner the Francis.

under the necessity of calling upon you to consult the instructions you received from his Majesty, and to remind you of the directions which have been repeatedly given relative to the restrictions under which such spirits as are admitted into the colony are to be disposed of.

1799

5 Nov.

I have laid before his Royal Highness the Commander-in-Chief your report of the conduct of the late Ensign Bond, whose resignation* should not have been accepted, as it was evidently given in with a view to defeat his being tried by a Court-martial. As the case now stands, he must be sent home by the very first opportunity.

The resignation of Ensign Bond.

On the subject of Norfolk Island, and of Captain Townson's conduct in the capacity of Lieut.-Governor of it,† there can be no doubt that it is his duty to communicate with you directly, as often as opportunities offer for his so doing; at the same time it is no less his duty, in consequence of the unavoidable separation between you and him, to omit no opportunity of transmitting information to his Majesty's Government whenever he is so fortunate as to obtain a conveyance for it by means of any vessel which sails from Norfolk Island without intending to touch afterwards at Port Jackson.

Captain Townson as Lieutenant-Governor of Norfolk Island.

With respect to the island itself, I am sorry to be under the necessity of observing that it appears from Captain Townson's account to have been left for a considerable length of time without receiving that assistance from you which he had represented the island to stand in need of. Indeed, it appears from Captain Townson's letter to me of the 9th of May, 1798, to have been reduced to that state of extremity which you can only be justified in having suffered by the absolute impossibility of relieving it from New South Wales, a case of which it is very difficult to suppose the existence.

State of Norfolk Island.

Captain Townson observes that from an oversight in the Judge-Advocate, who had not properly explained the Patent earlier, nine persons, who had been capitally convicted, have received conditional pardons from himself and Governor King. He also very properly observes on the dreadful state of suspense which those people must have suffered from the uncertainty of their fate for two years. As I have not their names, I cannot obtain a pardon for them under his Majesty's sign-manual; but they should be forthwith assured of receiving the Royal mercy as soon as I can be furnished with a list of them.

Pardoned convicts in suspense.

With respect to the comparative degree of expence incurred at New South Wales and Norfolk Island, it certainly appears, from the concise statement you have given of it, that that of Norfolk Island has exceeded that of New South Wales nearly in the proportion of two to one in the course of the period for which you

Comparative expence of Norfolk Island and New South Wales.

* Ante, p. 484.

† Ante, pp. 448, 449.

1799

Statement of work executed, &c.—*continued*.

— Dec.

Men Employed.	Work Executed.
Three shoemakers ...	Made 206 pair of shoes; soled 180, and repaired 369 do.
One weaver and two assistants.	Weaving cloth, teaching the women to spin.
Twelve men making bricks	Made 6,000 bricks p. week.
Six men, with oxen, to 2 timber-carriages.	Bringing boards, &c., from the saw-pits to the several buildings; timber to the new-erecting water-mill, &c.
Four men, with oxen, to two carts	Bringing wood to the barracks and guard-houses, bricks to the several buildings, grain to the store, and to the wharf for Sydney.
Two barbers ...	Shaveing all the servants of Government.
Two bakers ...	Bakeing for do.
One man and two assist's...	At the garden belonging to Government House.
One man ...	Att'g to ring the bell that assembles the people to work.
Eighteen men ...	Takeing care of Government cattle.
Eight men ...	Old and feeble; takeing care of hutts when the people are at work.
One do ...	Made 6 dozen of brooms p. week.
One do ...	Makeing and repairing sieves and baskets.
Eighteen constables and watchmen.	At Paramatta, the North Boundaries, and the adjacent districts.

AT TOONGABEE.

Seventy-six men ...	Repaired, plaistered, and whitewashed all the Gov't houses; broke up 450 acres of ground and sowed it with 900 bushels of wheat, 50 acres of ground, and sowed it with maize; 26 men threshing wheat, husking and houseing maize, &c.
One barber...	Shaveing the servants of Government.
One thatcher ...	Thatching hutts, wheat-stacks, &c.
One miller ...	In charge of the steel mills.
Seven men ...	In charge of Government cattle.
Four men ...	Old and feeble; takeing care of the hutts when the people is at work.
One shoemaker ...	Repairing shoes, &c., &c.
One taylor ...	Repairing jackets, trowsers, &c., &c.
One man ...	Getting wood for the guard-house.
Eight constables ...	In charge of the barns, wheat-stacks, grannary, store, keeping the peace, &c., &c.
One do ...	At George's River.
Four do ...	At the Hawkesbury.

JNO. HUNTER

her out I am told is a very good seaman, but no artist beyond the old trot. I have wrote to Cayley by this post to come down, that he may not be left behind.

1799

8 Nov.

The garden on board the old Porpoise is in very good condition, and nothing injured but some of the herbs, which are dead. It is to be placed between the mainmast and mizenmast of the new ship, and as most of the things are in that state that no damage will attend their removal, I still hope they will get out, that the colony may not entirely lose the advantages to be looked for by so valuable a present. The wire shutters, which are a great preservative against mischievous fingers, &c., are all broke, owing to the effect of the sea air on the wire. I am told there is a ductile kind of brass wire drawn, which would answer the purpose better than the present, which is now all in pieces.

Thriving
condition of
the plants
on the
Porpoise.

I very sensibly feel your kind intention towards my son, who I have got nominated thro' my friend, Mr. Nepean, as one of the candidates for the Academy, on which list he now stands the 18th. It was my intention to have taken him out and sent him home again, which I have been dissaued from, and have placed him under the tuition of the Rev. Mr. Burford, at Stratford, in Essex, where he will remain until his age will render him admissable at the Academy, which cannot be these four years, about which time I shall take the liberty of requesting your kind assistance in finishing the business. As I shall take the liberty of writing again before my final departure, I beg to assure you of the respectful attachment with which

The educa-
tion of
King's son.

I am, &c.,

PHILIP GIDLEY KING.

G. SUTTOR TO SIR JOSEPH BANKS. (Banks Papers.)

H.M.S. ship Porpoise,

Portsmouth, 8 November, 1799.

Sir,

I take the liberty of writing to you an account of the state of the garden on board the Porpoise.

Condition of
the plants.

I am happy to say the vines, hops, apples, pears, plums, olives, caribs, camphor, lemon grass, mulberrys, walnetres, Spanish chest-nutts, filberts, quinces, two nectrines, two peaches, and strawberry are in a healthy state. Those that have failed are two peaches, two nectrines, willows, raspberrys, cactis, and ginger. Of herbs we have only mint, lavender, and taragin. Those that have failed are sage, savoury laurel, camomile, heyrup, and wormwood. I beg leave to mention the two sacks of hemp seed, one of the sacks being much rotten. I am affraid neither of them will serve to the Cape.

I am happy to hear that you, sir, enjoy a good state of health. That you may long continue to enjoy it is the sincere wish of, sir,

Yours, &c.,

G. SUTTOR.

convenient to Government to order a silver coinage for this country, 1799
 were it not more than half or two-thirds of the intrinsic value of 10 Nov.
 what it might pass here for, so as to render the loss considerable
 to any who might attempt to carry it away, it wou'd be felt a vast
 advantage, and wou'd effectually prevent those forgerys to which
 a paper currency subjects or exposes us. A silver
 coinage
 required.

I have, &c.,

JNO. HUNTER.

THE SOUTHERN WHALE-FISHERY.*

London, 8th and 9th November.

13 Nov.

The coast of New South Wales abounds with the spermaceti whale, and the following vessels from London had early in this year arrived at Port Jackson, to be employed in the fishery, viz. : The Sally, Bligh, Cornwall, Swain, Pomona, Clark, Diana, Lock, and Britannia. The whale-
 fisheries.

This fishery was attempted soon after the establishment of the colony at Botany Bay, but it was undertaken during the summer months, when the south-east winds blow constantly on land, and generally with such violence and accompanied by so heavy a sea as to render it impracticable to take a fish on board. The present adventurers sailed at a season when the prevailing winds are from the westward, and the most sanguine expectations are entertained of their success. The fishing
 season.

Immense numbers of seals have likewise been discovered on the coast to the southward of Port Jackson. The Nautilus and another ship are employed in this fishery. Seals.

The establishment of these fisheries are particularly opportune and fortunate, the whale-fisheries on the coast of South America having suffered severely from the Spanish cruisers, fifteen sail employed in this trade having been captured by the enemy. South
 American
 whale-
 fisheries.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

My Lord Duke,

15th November, 1799.

15 Nov.

The ship Walker having anchor'd in this port on the 3rd instant, by that arrival Lieut.-Col. Paterson and Capt. Abbott joined the regt., and by the same conveyance I had the honour of receiving dispatches from your Grace. Arrival of
 Lieutenant-
 Colonel
 Paterson
 and Captain
 Abbott.

It is not in my power, my Lord, to furnish language sufficiently expressive of my extreme astonishment and sincere regret at the contents of your Grace's separate letter of the 26th Feby. last, † written, I find, in consequence of the appearance of an anonymous letter‡ from this country, in which I am accus'd of conniving at,

* Reprinted from *Saunders's News-Letter* of 13th November, 1790.

† Ante, p. 636.

‡ There is nothing now remaining to indicate who was the writer of this anonymous letter. Hunter evidently had some inkling, if not direct knowledge; but his remarks in this letter throw but little light on the subject. See also ante, p. 636.

this expensive country is small enough, yet, my Lord, I am satisfied, nor do I conceive it consistent with the dignity of my office to endeavour in any way whatever to gain more, were it even in a less censurable manner than that which has been mentioned. Let me live upon bread and water with a pure and unpolluted conscience, a fair and respectable character, in preference to rolling in wealth obtain'd by such infamous, such shameful, such ignominious means as this letter-writer alludes to.

1799

15 Nov.

Satisfied
with his
salary.

I have no turn for traffic, my Lord ; I never had. But such an abominable trade as he mentions, your Grace, I hope, may have discover'd from my correspondence has ever been my detestation.

It is a source of much distress to me, my Lord, to see occasion to trouble your Grace by requesting your recurrence to that correspondence, to the most material parts of which I will add a reference at the end of this letter. You will find, my Lord, that it teems with complaints against the very conduct which is the chief subject of this anonymous letter. Can it be conceiv'd, my Lord, that a man possessing common understanding cou'd commit himself of so much inconsistency ?

Hunter's
opposition
to traffic.

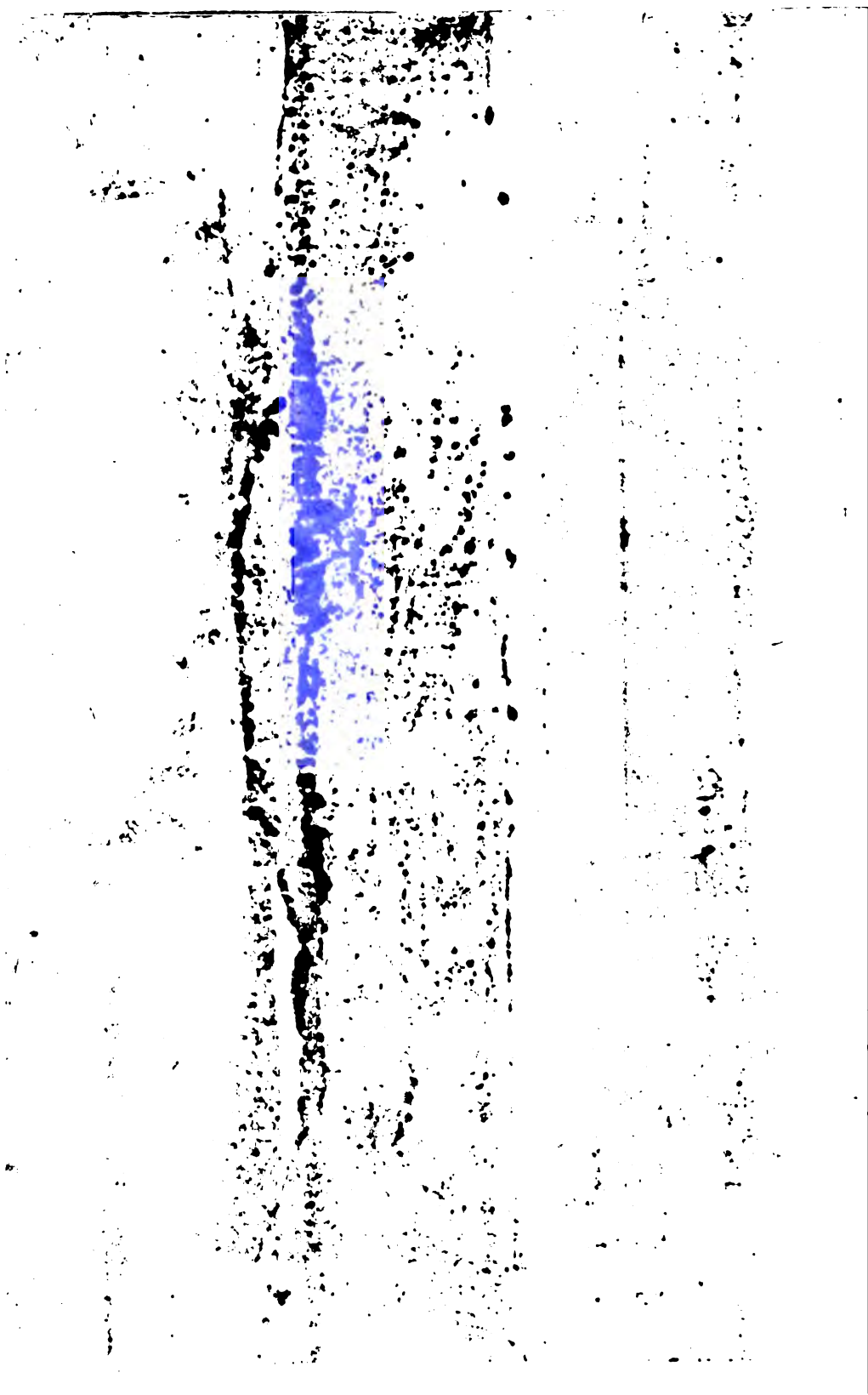
I will here take the liberty of mentioning to your Grace a circumstance of which this seditious assassin may have thought convenient for his vile purpose to take advantage.

Many of the gentlemen in the colony having soon after my arrival been of opinion that my principal servant had got himself link'd into a society of infamous characters of both sexes in this place, and conjectur'd that robberys of a very serious nature were practising upon me when I was absent upon service in other parts of the colony, they gave me information. I accus'd this servant and depriv'd him of his trust untill I cou'd investigate the fact. Fear of detection at once gave proof of his guilt, and he instantly shot himself thro' the head. I then, too late, discover'd, to my very great loss and expence, that those suspicions were but too well founded. It is highly probable that the circumstance he has mention'd respecting Government House may have been artfully built upon the above or some other of the many robberys which have been made upon it. The occasion of the tragical death of this man was known to the whole colony.

A dishonest
servant.His guilt
and suicide.

What he observes respecting the lower orders of the people being prevented from delivering their grain into the public store, and that they are thereby oblig'd to sell it at three shillings per bushel to officers who receive ten shillings from Government. That they are prevented, my Lord, is not true, and that it is contrary to my positive orders that any such restriction or distinction shou'd ever happen is well-known in the settlement. But that for the gratification of the moment some of the most idle and worthless may have sold their grain at that rate, and during the time the Government stores have not been open for the reception of grain,

Purchasing
grain from
settlers and
officers.



of those who are diffident of the local knowledge necessary for enabling them to judge correctly. But, my Lord, let me solicit your Grace to recur to my letter of complaint against those shameful proceedings, which I have reason to believe you may have been prevented by business of more immediate importance from attending so early or so closely to as I cou'd have wish'd. From that correspondence your Grace will discover that the manner in which that highly improper traffic has been carried on, an angel from Heaven possessing the omnissient attribute of the Divine Being wou'd not have been able, as a single individual, to prevent it. Guards on board of ships, with proper instructions; constables and watchmen planted along the shores, with a reward held out for discovery, have not been found sufficient to inforce obedience to Public Orders on this subject, because, as I have formerly said, their interest appears to have had different objects in view than the detection of this illicite, this forbidden trade.

1799

15 Nov.

Hunter's
efforts to
suppress the
liquor
traffic.

Your Grace will, I trust, pardon me for observing that theoretical reasoning at a distance and our practical experience on the spot differ very widely. There was a time, my Lord, in this settlement, and that was when I was formerly employ'd here in its service, when a Public Order answer'd every end propos'd—the Governor had no farther trouble; the various persons then upon service here had no objects of a private nature to withdraw them from a due attention to every public regulation; orders were attended to by all in authority—they felt the public interest theirs. If that be contrasted with what I have experienc'd, and have had some occasion to represent to your Grace, how different will appear the situation of the first Governor of this colony and mine. In those days to be employ'd here was like a party of amusement; in the present it requires an incessant labour of the mind, and a strength of body equal to that of a lion to struggle with, and to counteract those difficultys which I have already laid before your Grace.

State of the
colony under
Phillip and
Hunter
compared.

Your Grace will be enabled to form some judgement of the veracity of the anonymous letter-writer by being informed that he and his friends here had the modesty to apply to me (after I had given directions for the destruction of stills for distilling spiritous liquors in this colony) for permission to erect one for this very purpose, giving some trifling reason for the application. I positively refus'd, and forbade any attempt of that kind. I soon learnt, however, that this party had hir'd some Irishman who had a knowledge of making what they call'd whisky, and that they labour'd in the night-time in this forbidden trade, and that they sold this pernicious article at forty shillings p'r gallon. I had occasion to give a second order forbidding any farther attempt, and threat'n'd them with the consequence if they persisted. This villifying writer was as active as any in this destructive practice.

Distillation
of spirits.

1797 the violence of the weather continuing, the people could have no intermission from pumping and baling. Such was their fatigue that two men dropped dead under the labour of the pumps, and a third died a few hours afterwards. After a severe and tedious night, exhausted in pumping and baling, the well was cleared of water, and the gale abating a little, a new foresail was bent, and the ship then made sail with the wind at west.

On the 27th January a new thrummed piece of canvas was got over the starboard bow. At this time the leak had increased between 11 and 12 inches an hour. By next day the fothering had reduced it to 8 inches, notwithstanding the sea was very heavy; yet, from the weak and sickly state of the crew, it was found impossible to keep the water under. On the 1st February, in lat. 40° 1' south, made the coast of New Holland, and rounding Van Dieman's Land, stood to the northward. On the 4th passed the Maria Island, 4 leagues distant. From this time the gale continued to encrease till the 7th, when it blew so hard as to bring the ship under courses. On the 8th February, observed in the latitude 40° 56' south, longitude by timepiece, 149° 40' east of Greenwich. The gale now encreased to a perfect hurricane, with a dreadful sea. At half-past 3 p.m. sprung a new leak, which gained so fast on the pumps as rendered it necessary to bear up for land to save the lives of the people, and, if possible, to get the ship into a place of security. Bore in accordingly for the land and made more sail, Cape Barras by accounts W. $\frac{1}{2}$ N. or W. and by N., distant by accounts 90 miles. The cargo was thrown overboard; but notwithstanding every exertion to keep the leak under, at 5 p.m. there were 2½ feet water in the well, and hourly gaining. At 8 p.m. the water had increased to 5 feet, and the ship settling fast, the longboat was got clear—still running west and carrying a press of sail in order to get in with the land. By midnight the water was nearly up to the lower-deck hatches. At half-past 12 saw the land about 2 miles distant; but appearing to be high perpendicular rocks with a heavy surf, it was thought advisable to heave to till the morning. At daybreak the water was over the comings of the lower-deck hatches, and the vessel lying on one side with the channels on the water. At daylight, having with difficulty got her head round, made all sail possible towards the land, but from her being so much waterlogged she would hardly answer her helm. Stood in for an opening in the land, but could get no ground at 75 fathoms, though but a small distance from an island ahead. When a little nearer in with the land got ground in 15 fathoms. Finding the ship must soon go down, the longboat was got out and sent ashore to the island* with

* This island was called Preservation Island, a name it still retains. It is one of the Furneaux Group. Clarke Island and Armstrong Channel also derived their names from the circumstances of this wreck.

require from the poison'd shafts of any reprobate assassin who chuse to attack it. I have also, my Lord, to request that as that infamous letter, as far as it effects me, has no doubt been seen at most of the public offices, such parts of this letter as may relate to it be also made as public. If I have at any time, my Lord, been deficient in any of those official formalities which I ought to have observ'd with respect to the necessary papers on all the concerns of the colony, it will be found that I have never lost sight of its real interest, as far as I have had the power of promoting it; and it will also be found upon investigation that the troubles I have had to contend with have been the chief cause of those omissions.

1799

15 Nov.

Efforts to
promote the
colony's
welfare.

I certainly do, my Lord, and I ever have, considered myself responsible for the sums drawn in my name, or by my authority, and for every other part of my duty, and your Grace may rely that I have no wish or desire to shrink from the most scrupulous enquiry, but do most ardently press it may be brought forward on the spot as early as possible, as far as relates to the insinuations contained in the anonymous letter; but with respect to what may concern the expences of the colony, the papers I now transmit to the Treasury, together with the Commissary's accounts sent by the Barwell and the last ship which sail'd from hence, I trust will now be laid before their Lordships, and be found clear and satisfactory. The want of a more perfect knowledge of those forms has in some degree occasion'd the delays your Grace has notic'd.

Hunter
recognises
his responsi-
bility,

and asks for
an inquiry.

The Com-
missary's
accounts.

However irksome my situation may be render'd by the contemptible insinuations which appear to have been obtruded upon your Grace to my injury, and however insignificant I feel the miserable savings from my salary in this now expensive country, I shall only say that such considerations will never have weight with me upon public service. It is the honor only, my Lord, of the situation I hold which makes it a single moment desirable to me, for it will never afford me any other advantage, comfort, or enjoyment, than that of exerting myself whilst I am able for the general good. I, however, must observe, my Lord, that had either age or any other infirmity, whether corporal or mental, render'd my return to England absolutely necessary for the preservation of my life, I shou'd certainly prefer the sacrifice of that life by continuing here, to the ruin of that fair and unspotted character which has, I thank God, distinguish'd me thro' so long, so faithfull a service. I must therefore continue to press upon your Grace such investigation upon the spot, where every necessary information can be had, as may leave that reputation as unblemish'd at my departure as it was clear and untarnish'd when I receiv'd the honour of his Majesty's Commission.

Hunter's
irksome
situation and
insignificant
savings.

He prefers
death to
dishonour.

Shou'd it appear to your Grace that the ardency or warmth of my feelings upon this occasion may have hurried or betray'd me

1797 island ! Continuing her course, the lapse of a few minutes carried her out of sight, and with her fled all the hopes and joys which she had so lately excited. Their disappointment and despair, heightened by the excess of their late expectations, may be readily conceived. They did not, however, neglect any measure that could yet afford a gleam of hope. The jollyboat returned to the island. The English colours were hoisted, and a large fire prepared which might be visible some leagues at sea. To their unspeakable joy a schooner was seen next day to the eastward, but the surf run so high as to prevent any attempts to go off to her in the jollyboat.

A schooner sighted.

The rescue. On the ensuing day, 10th June, the sloop-rigged boat that had been seen on the 8th again appeared, and approaching the island, the jollyboat was sent on board. She proved to be a sloop, private property, sent to their assistance from Port Jackson, out ten days, and navigated by Mr. Armstrong, master of his Majesty's ship Supply.* The vessel in the offing was his Majesty's schooner Francis, sent from Port Jackson to the assistance of Captain Hamilton and his men by his Excellency Governor Hunter.

Five men remain on the island.

Having loaded the two vessels with a part of the cargo from the wreck of the Sydney Cove, they were ready to sail on their return to Port Jackson by the 20th June. The cargo saved being more than the two vessels could take on board, five of Captain Hamilton's men volunteered to remain on the island to take care of the cargo left, till he should be able to return from Port Jackson with a vessel of sufficient size to bring off the whole. Matters being thus arranged the two vessels sailed on the 21st, and after a stormy passage of fifteen days the Francis safely arrived at Port Jackson.

VOYAGE OF THE SYDNEY COVE'S LONGBOAT FROM PRESERVATION ISLAND TO PORT JACKSON.

The long-boat despatched to Sydney.

THE longboat, being equipped and ready for sea, was dispatched on the 28th of February, as already stated, in order to proceed to Port Jackson with intelligence of the shipwreck. Mr. Thomson, late chief mate of the Sydney Cove, Mr. Clark, supercargo, three European seamen, and twelve lascars, in all seventeen persons, embarked. They pursued a southerly† course till the 1st of March, lat. 38° S. by account, having had no observation for several days. On the evening of this day it began to blow, and soon increased to a stormy gale, with a heavy sea, by which the boat was in great danger of foundering. They were at an inconsiderable distance from the shore ; but the surf broke with such

Overtaken by a storm.

* This boat was wrecked on the voyage back to Sydney ; the master and crew were never heard of.—Ante, p. 309.

† Evidently an error or misprint for " northerly " A southerly course would have landed them on Tasmania.

violence as to prevent the possibility of approaching with safety. 1797
 Being unable to land, the only chance of preservation was to come to with both anchors, which was accordingly done. The boat lay in the most imminent danger from being often almost entirely filled with water by the heavy sea, which during the night continued to break over her. In this perilous situation they remained till daylight, when they cut both cables and set the foresail ; but the boat at this time suddenly filling, it was not without the utmost difficulty that they got her through the surf, when she went to pieces a few minutes after the people had gained the beach. Cast ashore.

Imagination cannot picture a situation more melancholy than that to which the unfortunate crew was reduced—wrecked a second time on the inhospitable shore of New South Wales; cut off from all hopes of rejoining their companions; without provisions, without arms, or any probable means either of subsistence or defence, they seemed doomed to all the horrors of a lingering death, with all their misfortunes unknown and unpitied. In this trying situation they did not abandon themselves to despair ; they determined to proceed to the northward in the hopes of reaching Port Jackson, although the distance of the settlement, the unfrequented deserts they were to traverse, and the barbarous hordes among whom they had to gain their way, presented difficulties that required no ordinary share of fortitude to encounter and perseverance to overcome ; but danger and difficulty lessen as they approach—the mind, as if its ultimate strength were reserved for arduous occasions, reconciles itself with calm resignation to sufferings from which, on a more distant view, it would recoil with horror. Without provisions or arms.
A forlorn hope.

It was thus with our little party: the dangers that surrounded them served but to excite them to exertion; they resolved to brave every difficulty, and to commence their journey without delay. The three days following the loss of their boat were spent in collecting such articles as had been thrown on shore from the wreck. On the 15th they began their march. The principal occurrences in the course of the journey are related in the following abstract of a journal, compiled partly from recollection, and partly from the assistance of memoranda written with a pencil.* They prepare to walk to Port Jackson.

March 15th.—We began our journey for Port Jackson.

16th.—Walked 16 or 18 miles along a sandy beach.†

17th.—Passed several small rivers, and one so large that we were obliged to construct a raft to cross it. From the detention this occasioned walked only 8 miles. Cross a river.

18th.—Forded several branches of rivers. We this day fell in with a party of natives, about fourteen, all of them entirely naked. They were struck with astonishment at our appearance, and were Interview with natives.

* The memoranda were evidently written by the supercargo, Mr. Clark.

† It is probable from this and from the estimated latitude of 38° S. given above that the boat was cast ashore on the northern part of the Ninety-mile Beach.

1797 very anxious to examine every part of our clothes and body, in which we readily indulged them. They viewed us most attentively. They opened our clothes, examined our feet, hands, nails, &c., frequently expressing their surprize by laughing and loud shoutings. From their gestures during this awkward review it was easy to perceive that they considered our clothes and bodies as inseparably joined. Having made them a present of a few stripes of cloth, which they appeared highly delighted with, we pursued our journey, and halted in the evening, after a march of 30 miles.

Their
physical
character-
istics

The natives on this part of the coast appear strong and muscular, with heads rather large in proportion to their bodies. The flat nose, the broad thick lips which distinguish the African, also prevail amongst the people on this coast. Their hair is long and straight, but they are wholly inattentive to it, either as to cleanliness or in any other respect. It serves them in lieu of a towel to wipe their hands as often as they are daubed with blubber or shark oil, which is their principal article of food. This frequent application of rancid grease to their heads and bodies renders their approach exceedingly offensive. Their ornaments consist chiefly of fish-bones or kangaroo-teeth, fastened with gum or glue to the hair of the temples and on the forehead. A piece of reed or bone is also wore through the septum, or cartilage, of the nose, which is pierced for the admission of this ornament. Upon the whole, they present the most hideous and disgusting figures that savage life can possibly afford.

and
ornaments.

Cross a
second
river.

19th.—Met with a pretty large river, which we were unable to cross till low water, there being no wood from which we could construct a raft. A few natives on the opposite bank of the river ran off at our approach.

Following
the coast.

20th.—This day we procured a few shellfish on the rocks. We walked about 16 miles along the seaside, part of the way over very high bluffs and sharp rocks.

A large
river.

21st.—This morning went inland about 3 or 4 miles. Made a raft and crossed a large river. Its banks were delightful; the trees, tall and majestic, added dignity to the stream, and gave the surrounding country a beautiful and picturesque appearance. Saw a few of the natives, who, at first sight, advanced, but on a nearer approach they fled and concealed themselves in the woods. Among the different groupes of natives it is remarkable we have not yet seen a woman. Walked 16 miles this day.

22nd.—This day's walk was rendered very disagreeable by constant heavy rain.

"A delight-
ful country."

23rd.—The weather to-day was delightful; the agreeable temperature, together with the beautiful scenery that opened to our view through a most delightful country, compensated in a great measure for the inclemency of yesterday's journey. We had a distant prospect inland of some very high hills, covered to their summit with lofty trees. In the evening we halted, after a march of 18 miles.

24th.—We had travelled about 7 miles when our progress was stopt by an immense river, which emptied itself in the ocean by several branches. We began to prepare a raft, in order to cross the river before us. 1797
"An immense river."

25th, 26th, and 27th.—These three days were employed in completing the raft and crossing the different branches of the river.

28th.—In the course of this day's journey we reached an island, about 5 miles distant from the seashore. This place appears well suited to afford shelter to shipping, being completely landlocked and covered from the wind. In the latter part of the day's march we had to traverse hills of sands, which made it exceedingly fatiguing; nevertheless we travelled about 12 miles. An island.

29th.—On crossing a narrow but deep river one of the natives threatened to dispute our landing, but approaching with a determined appearance no actual resistance was attempted, and a reconciliation was effected by the distribution of a few stripes of cloth. A good understanding being thus established, the men called to their wives and children, who were concealed behind the rocks, and who now ventured to shew themselves. These were the first women we had seen; from their cries and laughing it is evident they were greatly astonished at our appearance. The men did not think proper to admit of our coming sufficiently near to have a full or perfect view of their ladies, but we were near enough to discern that they were the most wretched objects we had ever seen—equally filthy as the men, coarse and ill-featured, and so devoid of delicacy or any appearance of it that they seem to have nothing even human about them but the form. We pursued our way and walked about 10 miles. Hostile natives.

Native women.

30th.—Crossed a small river this morning, and walked about 8 miles through a country interspersed with hills and covered with heath. We came to a pretty large river, which, being too deep to ford, we began to prepare a raft, which we could not have completed till next day had not three of our native friends, from whom we parted yesterday, rejoined us and assisted us over. We were much pleased with their attention, for the act was really kind, as they knew we had this river to cross, and appear to have followed us purposely to lend their assistance. In the evening we travelled about 4 miles farther, and rested for the night. Making a raft.

31st.—Walked about 18 miles round a very deep bay and many small rivers opening into it.

April 1st.—Passed through a very pleasant country, whose delightful verdure, strewed over with a variety of flowers, rendered a walk of 20 miles this day extremely agreeable. Fine country.

April 2nd.—Travelled 8 miles this forenoon. Between 9 and 10 o'clock we were most agreeably surprised by meeting five of the natives, our old friends, who received us in a very amicable manner, and kindly treated us with some shellfish, which formed Hospitable natives.

1797 a very acceptable meal, as our small pittance of rice was nearly expended. After this little repast we proceeded 6 miles further and halted.

A fatiguing march.

3rd.—Had a fatiguing march over very high bluffs, sharp rocks, and afterwards through very thick brushwood, interspersed with stumps of trees and other sharp substances, by which our feet were so much bruised and wounded that some of the party remained lame for some time afterwards; and to aggravate our sufferings we were now living upon a quarter of a pint of dry rice per diem. As we got out of this harassing thicket we missed two of our unhappy fellow-travellers. At 4 p.m. we provided ourselves a lodging for the night, having walked, or rather crawled, 10 miles, over the ground above described.

They procure some fish.

4th.—Waited for our missing companions until 12 o'clock, when, to our great joy, they made their appearance; we then proceeded on our journey, and in the evening came to a very broad river. It being low water, some places were very shallow, which enabled us to catch a few small skate, which were, indeed, very acceptable. Walked this day 8 miles.

Nature of the country.

5th.—Reached the opposite bank of the river, where we remained a few hours to catch some more fish, in which we happily succeeded; among them was a very fine shark about 4 feet long; this was a refreshment for which we offered our thanks to Providence, the rice, our only certain resource, being now nearly at an end.

6th.—Having got a tolerable supply of fish, pursued our journey for about 18 miles through a delightful plain, interspersed here and there with a few scattered trees.

Journey along the beach.

7th.—Went some way into the country, over hills and valleys. After a walk of 16 miles we halted at twilight, and as we reclined our heads to rest on a bank we could just hear the roaring of the surf on the seashore.

Pacific measures with the natives.

8th.—Bent our way towards the beach this morning, and travelled along about 9 miles, when we were stopped by our old impediment, a river, at which we were obliged to wait until low water before we could cross. We had scarcely surmounted this difficulty when a greater danger stared us in the face, for here we were met by about fifty armed natives. Having never before seen so large a body collected, it is natural to conclude that we were much alarmed. However, we resolved to put the best appearance on the matter, and to betray no symptoms of fear. In consequence of the steps we took, and after some preliminary signs and gestures on both sides, we came to some understanding, and the natives were apparently amicable in their designs. We presented them with a few yards of calico, for they would not be satisfied with small stripes, and, indeed, we were glad to get rid of them at any expence, for their looks and demeanour were not such as to invite greater intimacy.

9th.—Proceeding this morning on our journey, we were again alarmed at the approach of the party who detained us yesterday, and whom we so justly suspected of treacherous intentions. They came on with dreadful shoutings, which gave us warning to prepare for defence, and to give them a warm reception in case violence should be offered. Fortunately, however, from the particular attention we paid to their old men, whom we supposed to be their chiefs, and making them some small presents, they soon left us. This dispersion gave our little party general satisfaction, as we were doubtful how the affair might have terminated. During our conference, and at their departure, several of them had placed their spears in the throwing-sticks, ready to discharge at us. We now pursued our route, and walked about 10 miles.

10th.—We were overtaken by a few of the natives with whom we parted yesterday, but seeing us on our guard, with our one gun, two pistols, and two small swords, while others were armed with clubs, and perceiving our resolution not to be imposed upon, they acted with more prudence than heretofore. We did not at this meeting indulge them with any presents, but to one gave a piece of cloth, in exchange for a large kangaroo's tail, with which we endeavoured to make some soup, by adding a little of the rice we had remaining, from which we received great nourishment, being much weakened by the fatigue and want which we had suffered in these inhospitable regions. Our walk of 14 miles this day was performed over a number of rugged and disagreeable heights, until we came to a river, which we crossed, and then betook ourselves to the cheerless turf until the morning.

11th.—Walked 8 miles and came to a river, where we met fourteen natives, who conducted us to their miserable abodes in the wood adjoining to a large lagoon, and kindly treated us with mussels, for which unexpected civility we made them some presents. These people seemed better acquainted with the laws of hospitality than any of their countrymen whom we had yet seen, for to their benevolent treat was added an invitation to remain with them for the night. They did not, however, lodge us in their nominal huts, but after we were seated around our resting-place they brought their women and children to see us, and certainly, to judge from the attention with which they surveyed us, we afforded them no small share of entertainment. As far as we could understand, these natives were of a different tribe from those we had seen, and were then at war with them. They possessed a liberality to which the others were strangers, and freely gave us a part of the little they had, which the others were so far from doing that they would have deprived us of the last article in our possession had they not been overawed by the sight of arms, against which they knew not how to defend themselves. We endeavoured to make our entertainers sensible by signs how rudely their neighbours had behaved

1797

Their hostile
demeanour.Preparations
for
hostilities.A rugged
country.Hospitable
natives.

Tribal war.

1799

Statement of work executed, &c.—*continued*.

— Dec.

Men Employed.	Work Executed.
Three shoemakers ...	Made 208 pair of shoes ; soaled 180, and repaired 369 do.
One weaver and two assistants.	Weaving cloath, teaching the women to spin.
Twelve men makeing bricks	Made 6,000 bricks p. week.
Six men, with oxen, to 2 timber-carriages.	Bringing boards, &c., from the saw-pitts to the several buildings ; timber to the new-erecting water-mill, &c.
Four men, with oxen, to two carts	Bringing wood to the barracks and guard-houses, bricks to the several buildings, grain to the store, and to the wharf for Sydney.
Two barbers ...	Shaving all the servants of Government.
Two bakers ...	Bakeing for do.
One man and two assist's...	At the garden belonging to Government House.
One man ...	Att'g to ring the bell that assembles the people to work.
Eighteen men ...	Takeing care of Government cattle.
Eight men ...	Old and feeble ; takeing care of hutts when the people are at work.
One do ...	Made 6 dozen of brooms p. week.
One do ...	Makeing and repairing sieves and baskets.
Eighteen constables and watchmen.	At Paramatta, the North Boundaries, and the adjacent districts.

AT TOONGABEE.

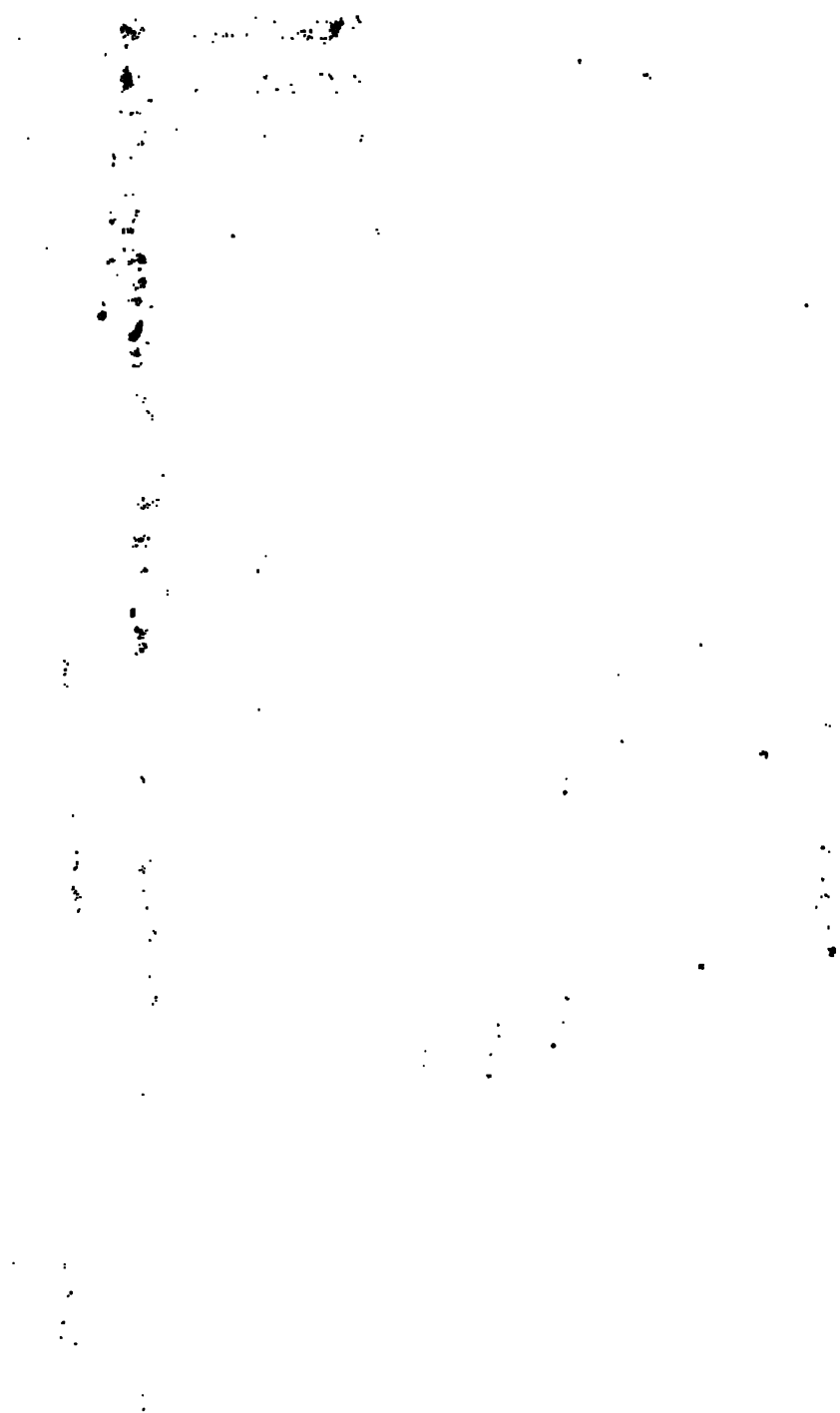
Seventy-six men ...	Repaired, plaistered, and whitewashed all the Gov't houses ; broke up 450 acres of ground and sowed it with 900 bushels of wheat. 50 acres of ground, and sowed it with maize ; 26 men threshing wheat, husking and houseing maize, &c.
One barber...	Shaveing the servants of Government.
One thatcher ...	Thatching hutts, wheat-stacks, &c.
One miller ...	In charge of the steel mills.
Seven men ...	In charge of Government cattle.
Four men ...	Old and feeble ; takeing care of the hutts when the people is at work.
One shoemaker ...	Repairing shoes, &c., &c.
One taylor ...	Repairing jackets, trowsers, &c., &c.
One man ...	Getting wood for the guard-house.
Eight constables ...	In charge of the barns, wheat-stacks, grannary, store, keeping the peace, &c., &c.
One do ...	At George's River.
Four do ...	At the Hawkesbury.

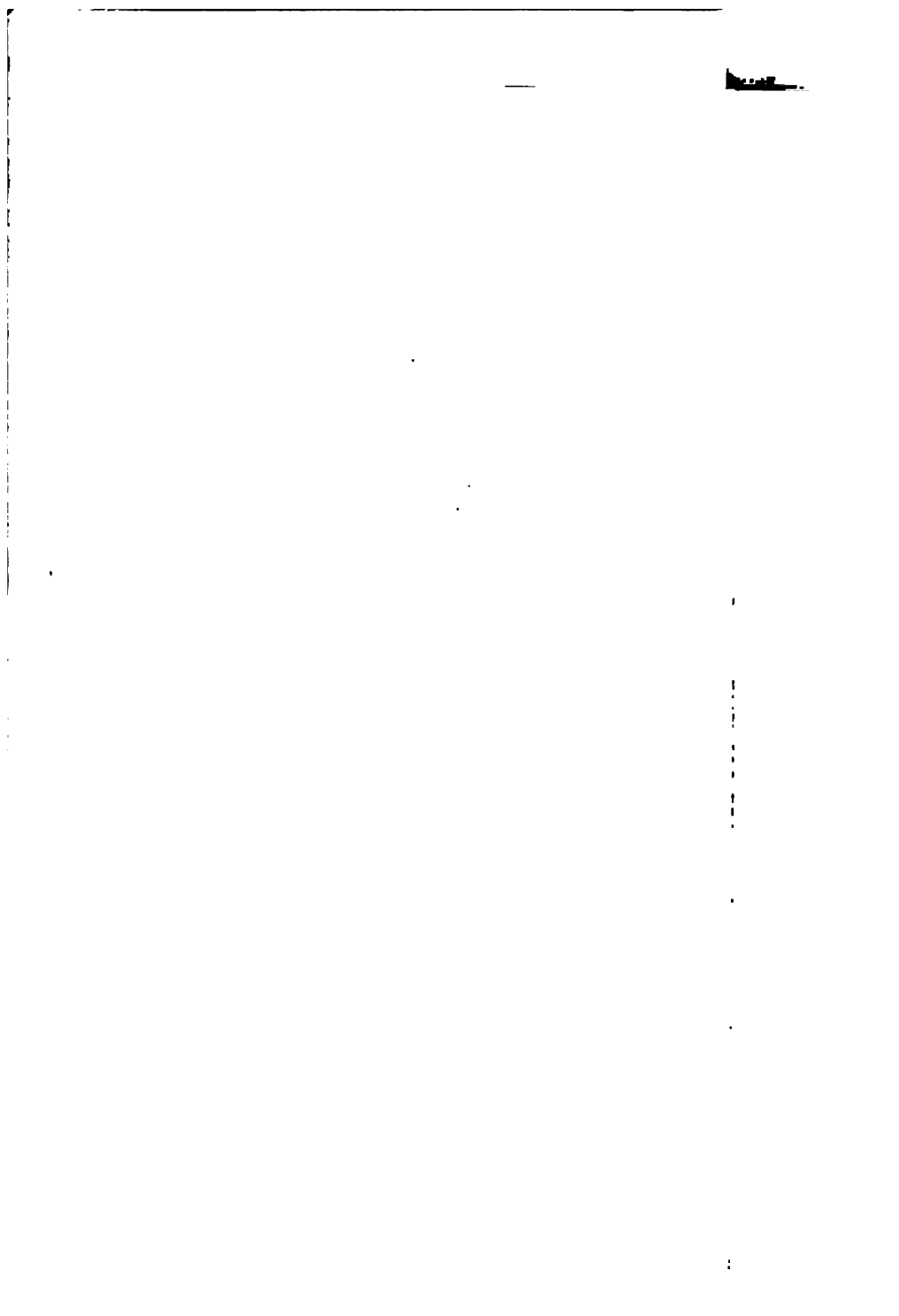
JNO. HUNTER

APPENDICES.

- 1797** hideous manner, at which we were all exceedingly alarmed. In short time a few of them began throwing their spears, upon which we made signs to them to desist, giving them some presents, and appearing no ways dismayed at their conduct—any other demeanour on our part would have been quite superfluous, having only one musket unloaded and two pistols out of repair, and at best were only six opposed to such a multitude, for our little company were daily dropping off. No sooner had we turned our backs on this savage mob than they renewed hostilities and wounded three of us, viz., Mr. Hugh Thompson, myself, and my servant. Notwithstanding this disaster, we, in our painful situation, proceeded ten miles, to get clear, if possible, of these savages; but just as we came up to a very deep bay they overtook us again. This pursuit induced us all to suppose they intended to murder us—as we were however, to make a virtue of necessity, and to remain among them all that night, though it may be well supposed that the anguish of our minds and the pain of our wounds prevented the possibility of sleep.
- Three of the party wounded.** 27th.—Our disagreeable and treacherous companions continued with us on our journey until about 9 a.m., when they betook themselves to the woods, leaving us extremely happy at their departure. We continued our route along this extensive bay 10 miles.
- An unexpected attack.** 29th.—Met with some brackish water, which we eagerly swallowed; indeed, all the rivers we examined were impregnated with salt-water from their connection with the sea. Walked 14 miles.
- Departure of the natives.** 30th.—We this morning reached the largest river we had met with since we came to this large bay. Its width put us entirely to a stand, and prevented our crossing over until the evening. As we were devising means to accomplish our design six natives very fortunately came to our assistance. They seemed, however, suspicious of us, for when we reached the opposite bank we made signs that we wanted water, and, under pretence of going for some, they set off, but never returned. We were not able to proceed any more than 3 miles this day.
- Stopped by a large river.** The fifteen following days of our journey were much the same as the preceding, until we very fortunately met with a fishing-boat about 14 miles to the southward of Botany Bay.
- Rescued by a fishing-boat.** On the arrival of Mr. Clark and his unfortunate companions at Port Jackson, they were received by his Excellency Governor Hunter with such kindness and humanity as it were impossible to describe, though its grateful remembrance never can be effaced nor diminished.
- Loss of the sloop-rigged longboat.** Mr. Clark embarked for China in September, on board the *Britannia*. At that time no accounts had been received at Port Jackson of the small schooner* which had brought away a part of the late crew of the Sydney Cove from the island on which they were wrecked. From the boisterous weather which had prevailed and the length of time she was missing, it was feared she had been totally lost.

* This was the longboat *Eliza*, commanded by Mr. Armstrong, master of the *Supply*, and not the schooner *Francis*, which returned safely to Port Jackson.





APPENDIX A.

NARRATIVE OF THE SHIPWRECK OF CAPTAIN 1796-7 HAMILTON AND THE CREW OF THE SYDNEY COVE*

CAPTAIN HAMILTON is a native of Glasgow. The Sydney Cove, Captain
Captain Guy Hamilton, left Bengal on the 10th November, 1796, Hamilton.
on a voyage to Port Jackson, in New South Wales. On the
13th December, in lat. 15° 30' south, experienced a severe gale
of wind, with a heavy sea. The weather continued variable, gen-
erally with strong gales and a high sea, till towards the middle
of January. During this time the ship laboured much from the
violence of the weather, making from 6 to 8 inches water in an A leaky
hour. The leak was judged to be under the starboard bow. ship.
In order to get at it the forehold was unstowed. The rushing
in of the water was distinctly heard; but the leak could not be
reached, owing to its being seated at the back of a timber. On Fothering
the 13th January a thrummed sail was got over the starboard the ship.
bow, and passed under the bottom, which reduced the leak from
6 to 4 inches an hour. In this way the ship continued till
the 25th January, when a gale of extreme violence set in from
the S.W. In handing the topsails, Mr. Leishman, second mate, Second mate
was lost from the main topsail yard-arm. The ship was kept lost
before the wind, which continued blowing with such fury that overboard.
a new foresail, a main topsail and driver, were torn from the
yards, though handed and carefully secured. Being thus without
any sail bent, by which the ship could be kept ahead of the sea,
she was hove to. The gale continued, and the sea running Gale
dreadfully high, caused the ship to labour greatly and the leak to increasing.
increase. The weather was intensely cold, with constant rain,
from which the crew suffered considerably. The lascars were well
supplied with blankets and warm clothing, shipped on purpose at
Bengal; yet they were so benumbed by the severity of the weather Effects of
that neither entreaty nor force could prevail on them to work on weather on
deck at the pumps. There being 4 feet water, and gaining fast, crew.
all hands were sent down to bale from the well. The lascars
being thus sheltered from the inclemency of the weather and sea,
which incessantly beat over them on deck, worked with cheerfulness.
By noon next day the water was reduced to 2 feet; but Water
diminishing.

* Reprinted from the *Asiatic Mirror*, Calcutta, 27th December, 1797, and January, 1798. See also pp. 277, 278 and note, 309, 364, 474, ante.

some rice, ammunition, and firearms; still standing in for the island, till she struck on a sandy bottom in 19 feet water, a few minutes after the longboat left her. 1797
The ship beached.

All the people being safely landed, small parties were sent out in different directions on the following day, the 9th February, in quest of water, but without success. A well was then sunk. After digging $7\frac{1}{2}$ feet they met with water, a little brackish, with which they were obliged to be content, as none could be procured from the wreck; but from the 10th till the 27th February Capt. Hamilton was employed in equipping the longboat in order to dispatch her to Port Jackson with an account of the loss of the ship, and to request such assistance as could be afforded. The longboat being completed, was dispatched on the 27th February in charge of Mr. Hugh Thompson, chief mate, with Mr. W. Clark, assistant supercargo, and fifteen men, the best of the crew. Search for fresh water.

The longboat sent to Port Jackson.

After the departure of the longboat, Capt. Hamilton and the people remaining with him were employed in getting ashore various parts of the cargo from the wreck. The stock of provisions saved being but small, and the time when relief might arrive uncertain, each man's daily allowance of rice was limited to a teacupful. Provisions.

The weather proved extremely cold, with constant gales and heavy rains, and the people, having no other shelter than tents made from old sails, suffered greatly. The weather.

From the 23rd April till the 1st May was one continued storm, with thunder, lightning, rain, and extreme cold. The tents being soon dismantled and blown to pieces, the unfortunate sufferers were left exposed to the extremities of cold, wetness, and hunger, for during the continuance of this storm it was impossible to keep always fire to dress the pittance of rice on which their subsistence depended. A continuous storm.

On the 1st of May the weather moderated, but the people were so much reduced that they were unable to rescue anything farther from the wreck. All hands were therefore set to work to build a house, as without some protection inevitable death threatened to result from the recurrence of such weather as they had lately experienced. House-building.

On the 8th of June the sufferings of their associates in misfortune were interrupted by the welcome sight of a longboat to the westward of the island, apparently looking for the wreck. Gladness now sat on every countenance—every look, every gesture, bespoke the fulness of their joy; the miseries of four sad dreary months were now forgotten in the transport of the moment. As soon as their first emotions had subsided the jollyboat was launched, the nimblest of the crew leaped on board, and eagerly stood out to follow the vessel in the offing. But what language can convey any adequate idea of their grief on perceiving the object of their pursuit standing before the wind directly from the A boat in sight,

but sails away.

1798 bay from that side. Had 18 fms. $\frac{3}{4}$ of a mile from it. Having passed the point and on with Green Cape at S. 30° E., the intermediate 7 or 8 miles presenting a moderately low and not uneven coast, waving into small coves near the point.

At a cable's length from the low rock that lays a little off the south point of the bay there is 10 fms, but in standing across to the north side had no ground with 13 till we came near the head, on the west side of which is Snug Cove, where we anchored in 3½ fms, sandy bottom. The south point of the bay locked on with the head. The latitude of Snug Cove, 37° 4' 13" S. The variation, about 10° East.

The importance of this bay arises from its local situation, there being no other place of shelter for a vessel larger than a rowing-boat from Jervis Bay, in latitude 35° 5' S., round to Corner Inlet or to Furneaux's Island in 40½°. The best of the two anchoring-places is that on the north side in Snug Cove off the centre of the beach, where the south point of the bay is shut on with the head in 5 fms water. A ship attempting to moor with a southerly

wind should drop her outer anchor a little before the head comes on with the point, and should be careful to keep the lead out astern as she veers in shore, for she may get into less 3 before she is aware. Half a cable upon the inshore anchor would be sufficient. She would have room to swing at single anchor if let go at the time the land shuts on, and I believe two if not three ships might find berths here; smaller vessels would go closer in shore.

Snug Cove is so situated at the back of Stony Head that it is not seen till the vessel comes right off it; but the long outer beach on the north side, and then the head, point out its place in the bay sufficiently for a vessel to run for it who had not the sketch.*

At the east end of the great south beach there is an opening which would afford excellent shelter for boats that could pass over the bar-entrance in 6 feet water; within side there are holes of 12 or 15 feet depth. This opening leads into a shoal lagoon of saltwater, which spreads itself at the back of the beach almost the whole length. There are smaller lagoons or swamps at the back of almost every beach in the bay, but none that we could drink the water of, except at the two anchoring-places, and these were brackish. Wood can be had in abundance in every part of the bay. This place will probably be of service to whalers, who, when fishing off the coast, might be glad to get shelter from a gale of wind in a place that would take so little time in going in and out, and it is not unlikely but they might find some right fish here; we saw the remains of one.† This bay has some marks by which it

Character of the surrounding country.

Useful as a whaling-station.

* The sketches referred to in this narrative have not been preserved. They were, however, probably identical with those published by Flinders in his "Terra Australis."

† The reef or rock on which these remains were seen was named by Flinders "Whale Spit."

violence as to prevent the possibility of approaching with safety. 1797
Being unable to land, the only chance of preservation was to come to with both anchors, which was accordingly done. The boat lay in the most imminent danger from being often almost entirely filled with water by the heavy sea, which during the night continued to break over her. In this perilous situation they remained till daylight, when they cut both cables and set the foresail; but the boat at this time suddenly filling, it was not without the utmost difficulty that they got her through the surf, when she went to pieces a few minutes after the people had gained the beach. Cast ashore.

Imagination cannot picture a situation more melancholy than that to which the unfortunate crew was reduced—wrecked a second time on the inhospitable shore of New South Wales; cut off from all hopes of rejoining their companions; without provisions, without arms, or any probable means either of subsistence or defence, they seemed doomed to all the horrors of a lingering death, with all their misfortunes unknown and unpitied. In this trying situation they did not abandon themselves to despair; they determined to proceed to the northward in the hopes of reaching Port Jackson, although the distance of the settlement, the unfrequented deserts they were to traverse, and the barbarous hordes among whom they had to gain their way, presented difficulties that required no ordinary share of fortitude to encounter and perseverance to overcome; but danger and difficulty lessen as they approach—the mind, as if its ultimate strength were reserved for arduous occasions, reconciles itself with calm resignation to sufferings from which, on a more distant view, it would recoil with horror. Without provisions or arms. A forlorn hope.

It was thus with our little party: the dangers that surrounded them served but to excite them to exertion; they resolved to brave every difficulty, and to commence their journey without delay. They prepare to walk to Port Jackson.
The three days following the loss of their boat were spent in collecting such articles as had been thrown on shore from the wreck. On the 15th they began their march. The principal occurrences in the course of the journey are related in the following abstract of a journal, compiled partly from recollection, and partly from the assistance of memoranda written with a pencil.*

March 15th.—We began our journey for Port Jackson.

16th.—Walked 16 or 18 miles along a sandy beach.†

17th.—Passed several small rivers, and one so large that we were obliged to construct a raft to cross it. From the detention this occasioned walked only 8 miles. Cross a river.

18th.—Forded several branches of rivers. We this day fell in with a party of natives, about fourteen, all of them entirely naked. Interview with natives.
They were struck with astonishment at our appearance, and were

* The memoranda were evidently written by the supercargo, Mr. Clark.

† It is probable from this and from the estimated latitude of 38° S. given above that the boat was cast ashore on the northern part of the Ninety-mile Beach.

1798 the wind till daylight, and then made the signal to the Nautilus and bore away S.W. to make the promontory.

October 17th.—At noon the latitude was $39^{\circ} 11' S.$, longitude $148^{\circ} E.$, and we then kept W. b. S. right before the wind, but in half an hour altered the course to steer for land which appeared in the S.S.W. At 1 hove to, and got ground with 30 fms, broken shells, being then about 5 leagues from the islands. They proved to be the high barren land, separated by a passage, which I had seen when in the Francis, schooner; but had laid down a few miles too far to the southward. They afterwards obtained the name of Kent's Group.

The Kent
Group.

Longitude
and latitude.

A narrow
escape.

But little account can be given of the longitude of these islands, having no timekeeper on board, but $147^{\circ} 35' E.$ for their centre seems to agree best with their supposed distance from Furneaux Island; the latitude is $39^{\circ} 27' S.$ At 4 o'clock we were close to the small island, off the N.E. end, and bore away along the north side, and through the channel which nearly divides the group into two equal parts. It lays S.S.W. through; is about $\frac{3}{4}$ of a mile wide, and so deep that 7 fms up and down did not reach the bottom. There are two coves on the east and one on the west side, in one or other of which small vessels might lay securely in all winds. At the back of these and in some other places the high bluff land is intersected by gullies, out of which gusts of wind come which would often make it dangerous to carry much sail in passing through. We entered the channel with a fresh breeze, but were soon becalmed under the land, when in a moment a gust laid the gunwale so far under water that the Nautilus expected to go to Furneaux's Island by herself. After this proof there could not be much doubt but that if the rigging was well set up the mast was able to upset the sloop, and it is my opinion that the stringy will make the best of lower masts, when lightened a little by drying, for those vessels that carry them of a single stick.

When clear of the channel we saw the small islands bearing S.W. by W., 6 or 7 miles, and a pyramidal rock to the south-eastwards, but although the bearing differs a good deal it is most probably the same that was seen in the Francis. Night coming on prevented our ascertaining the point; however, we saw nothing of it steering S.E. b. S.

The search
for Fur-
neaux's
Land
abandoned.

Mt. Chap-
pell.

We were now so far to the southward, and the present wind rendering it impossible to make an east course from Wilson's Promontory, that I gave up the search after Furneaux's Land till our return, and kept to the wind all night, to make the island as far to the northward as we could.

October 18th.—At daybreak moderately high land appeared through the haze from N.E. to E.N.E., and soon after a round hill to the southward of east, which proved to be Mt. Chappell,

24th.—We had travelled about 7 miles when our progress was stopt by an immense river, which emptied itself in the ocean by several branches. We began to prepare a raft, in order to cross the river before us. 1797
"An immense river."

25th, 26th, and 27th.—These three days were employed in completing the raft and crossing the different branches of the river.

28th.—In the course of this day's journey we reached an island, about 5 miles distant from the seashore. This place appears well suited to afford shelter to shipping, being completely landlocked and covered from the wind. In the latter part of the day's march we had to traverse hills of sands, which made it exceedingly fatiguing; nevertheless we travelled about 12 miles. An island.

29th.—On crossing a narrow but deep river one of the natives threatened to dispute our landing, but approaching with a determined appearance no actual resistance was attempted, and a reconciliation was effected by the distribution of a few stripes of cloth. A good understanding being thus established, the men called to their wives and children, who were concealed behind the rocks, and who now ventured to shew themselves. These were the first women we had seen; from their cries and laughing it is evident they were greatly astonished at our appearance. The men did not think proper to admit of our coming sufficiently near to have a full or perfect view of their ladies, but we were near enough to discern that they were the most wretched objects we had ever seen—equally filthy as the men, coarse and ill-featured, and so devoid of delicacy or any appearance of it that they seem to have nothing even human about them but the form. We pursued our way and walked about 10 miles. Hostile natives.
Native women.

30th.—Crossed a small river this morning, and walked about 8 miles through a country interspersed with hills and covered with heath. We came to a pretty large river, which, being too deep to ford, we began to prepare a raft, which we could not have completed till next day had not three of our native friends, from whom we parted yesterday, rejoined us and assisted us over. We were much pleased with their attention, for the act was really kind, as they knew we had this river to cross, and appear to have followed us purposely to lend their assistance. In the evening we travelled about 4 miles farther, and rested for the night. Making a raft.

31st.—Walked about 18 miles round a very deep bay and many small rivers opening into it.

April 1st.—Passed through a very pleasant country, whose delightful verdure, strewed over with a variety of flowers, rendered a walk of 20 miles this day extremely agreeable. Fine country.

April 2nd.—Travelled 8 miles this forenoon. Between 9 and 10 o'clock we were most agreeably surprised by meeting five of the natives, our old friends, who received us in a very amicable manner, and kindly treated us with some shellfish, which formed Hospitable natives.

- 1796 Furneaux's largest island made their appearance through the haze, and their towering peaks, bathed in the late showers, reflected the gleaming sunshine, and presented a spectacle so magnificent and stupendous that the circular, gently-declining Mount Chappell ceased to attract attention. I could not at the moment blame the sterility that produced so rich a scene. Having joined the Nautilus, we steered to the eastward amongst several small rocky islets for Cape Franklin, which is the west end of Cape Barren Island. The passage between this and the large island appeared to be clear on this side, but I afterwards learned from Mr. Bishop that small islands and rocks lay in many [parts] of it. Preservation Island being low, and laying in the wake of the hills on Clarke's Island, when seen from this direction did not make its appearance till we were very near it. Mr. Bass and myself went on shore at the west end of the island, which we passed close to, as well as to keep clear of the breakers, which lay a long way from Night Island, as for the convenience of landing.
- Armstrong's Channel. October 20th.—I proposed to go ahead of the Nautilus with the sloop, into Armstrong's Channel, and ascertain the nearest situation of the sealing points for her to lay in. About 10 o'clock on the following day we weighed with a westerly wind, and towed his boat over. By keeping a little over to Clarke's Island, the soundings were never less than $3\frac{1}{2}$ fms, and 8 and 9 in the middle of the channel past Battery Island. Here the boat returned to pilot the snow. We stood on as far as the N.E. point of Clarke's Island, and landed on the largest of the rocks that lay off it. Finding the snow did not follow, we turned back with the flood-tide, intending to stop in the corner near Point Whombat, but finding it shoal, we anchored 2 or 3 cables' length from the N.E. side of Battery Island in $3\frac{1}{2}$ fms, with a sandy bottom.
- A shoal. October 22nd.—There is a large shoal laying to the eastward of Clarke's Island, and nearly, if not quite, joins the western passage island. This shoal extended a good way to the northward, and is dry in some places at low water. Standing round the north end of this, we saw the snow at an anchor up in the opposite bight, several miles farther from the seal rocks than I proposed her to lay, which was off the southernmost beach near the high land of Cape Barren; but it afterwards proved that she was in a better place, the beach not being near so well sheltered from the present westerly wind as I expected it would have been by the before-mentioned shoal. Having passed two rocks which lay about three cables' length off the beach, we luffed round and let go the anchor, but found it did not hold; the small one was then thrown over to assist it, not having the sheet-cable bent, but neither did it hold, both stops appearing to have broken from the rings, so that their weight was all we had to depend upon, and this was not sufficient to hold the sloop in a strong breeze. By being very expeditious,
- A narrow escape.

9th.—Proceeding this morning on our journey, we were again alarmed at the approach of the party who detained us yesterday, and whom we so justly suspected of treacherous intentions. They came on with dreadful shoutings, which gave us warning to prepare for defence, and to give them a warm reception in case violence should be offered. Fortunately, however, from the particular attention we paid to their old men, whom we supposed to be their chiefs, and making them some small presents, they soon left us. This dispersion gave our little party general satisfaction, as we were doubtful how the affair might have terminated. During our conference, and at their departure, several of them had placed their spears in the throwing-sticks, ready to discharge at us. We now pursued our route, and walked about 10 miles.

1797

Their hostile demeanour.

10th.—We were overtaken by a few of the natives with whom we parted yesterday, but seeing us on our guard, with our one gun, two pistols, and two small swords, while others were armed with clubs, and perceiving our resolution not to be imposed upon, they acted with more prudence than heretofore. We did not at this meeting indulge them with any presents, but to one gave a piece of cloth, in exchange for a large kangaroo's tail, with which we endeavoured to make some soup, by adding a little of the rice we had remaining, from which we received great nourishment, being much weakened by the fatigue and want which we had suffered in these inhospitable regions. Our walk of 14 miles this day was performed over a number of rugged and disagreeable heights, until we came to a river, which we crossed, and then betook ourselves to the cheerless turf until the morning.

Preparations for hostilities.

A rugged country.

11th.—Walked 8 miles and came to a river, where we met fourteen natives, who conducted us to their miserable abodes in the wood adjoining to a large lagoon, and kindly treated us with mussels, for which unexpected civility we made them some presents. These people seemed better acquainted with the laws of hospitality than any of their countrymen whom we had yet seen, for to their benevolent treat was added an invitation to remain with them for the night. They did not, however, lodge us in their nominal huts, but after we were seated around our resting-place they brought their women and children to see us, and certainly, to judge from the attention with which they surveyed us, we afforded them no small share of entertainment. As far as we could understand, these natives were of a different tribe from those we had seen, and were then at war with them. They possessed a liberality to which the others were strangers, and freely gave us a part of the little they had, which the others were so far from doing that they would have deprived us of the last article in our possession had they not been overawed by the sight of arms, against which they knew not how to defend themselves. We endeavoured to make our entertainers sensible by signs how rudely their neighbours had behaved

Hospitable natives.

Tribal war.

1798 The passage between Clarke's and Preservation Islands is wider and shoaler than that on the north side of the latter. There seems to be but little tide running through either way, but it is open to the S.W. wind and swell.

The passage
into Kent's
Bay.

The passage into Kent's Bay lays close along the shore on the east side of Sloping Point, and the anchorage in 5 to 7 fms, at the back of a small rocky islet, which breaks off the southerly sea, and none other can have any effect. No ship ought to attempt to go on the north side of Battery Island. In the afternoon, whilst we were on shore, the westerly wind died away, and a breeze sprung up at E. b. S., which threw some swell into the bay, although the wind had near a point hold of the eastern island, and was light.

Procuring
sealskins.

October 30th.—Before the morning it blew a moderate breeze from the westward, and as there was good cause to distrust the sloop's ability to advance in the teeth of it, we employed Tuesday as preceding day, in getting a few sealskins dried to make us good warm caps.

Anchor for
the night.

October 31st.—On Wednesday morning we got under weigh in time enough to have the advantage of the whole of the flood, which was the weather tide, what wind there was being still from the westward. At noon the observed latitude was $40^{\circ} 39' 17''$ S., and the largest of the Swan Islands bore S. 43° W. about 7 miles; when it bore S.S.W. $1\frac{1}{2}$ miles, we sounded in 14 fms, upon a sandy bottom, and at $1\frac{1}{2}$ cables' length off the rocks at the east end of the island in 10 fms. The flood-tide having done running, and the wind being still from the westward, we turned up into a little sandy bay and anchored soon after 3 o'clock in 4 fms, at 2 or 3 cables' lengths from the beach, the S.E. point of the island bearing N. 66° E., and the extreme of Van Diemen's Land S. 49° E. between 3 or 4 leagues, between which points this little bay is exposed to the easterly winds. This island is near 3 miles in length, and in its shape and produce seems to resemble Preservation Island; but the latter has the advantage in having kangaroos upon it, no marks of which were seen here. We might have expected to find seals here, being in sight of the islands where they abound, but not one was met with. Indeed the selection of place which these animals make is beyond my comprehension; they will leave one island unoccupied close to several others where they cover the shores—nay, one point upon the same island will be so left, and totally without any apparent reason, at least in the form or situation of the ground. We may conjecture that they follow their food, preferring those points and islands for their residence where the most fish are to be found; and the choice of the latter is determined by streams and eddies, and perhaps by many other causes which to us are imperceptible. I had been led to suppose we should find great numbers of swans upon this island, for a man who had been left at Preservation Island with a part of the cargo of the

Habits of
the seals.

Swan Isles.

bank, in which three or four of our party got to the opposite side, and proceeded on their journey. Mr. Thomson, who could not swim, in making an effort to cross, was left struggling in the water by the canoe sinking under him. This was witnessed by four Bengal blacks, who, though they were adepts at swimming, stood unmoved spectators. I instantly jumped in and flew to his relief, although very much fatigued and very cold. I seized him by the hair and drew him to the shore motionless. My first care was to place him over a rock with his head downwards, pressing him at the same time on the back, by which means he discharged much sea-water by the mouth, and in a little time recovered.

1797

18th.—The illness of Mr. Thompson, occasioned by the accident, prevented our walking more than 8 miles this day.

19th.—Came up with those who went before us the 17th. Were again stopped by a very large river, which the violence of the wind prevented us from crossing. We therefore employed ourselves in collecting muscles, which, in our present situation, was a great relief, having been without a more generous nourishment for two days before.

Collecting mussels for food.

20th.—Got over the river and had a long walk, about 18 miles, through an immense wood, the plain of which was covered with long grass. We had the good fortune this day to have a friendly native in company, who undertook to be our guide, by whose good-natured assistance we were enabled to avoid several high points and cut off a great deal of ground.

A native guide.

21st.—Had a pleasant walk for about 14 miles, during which we met a party of natives who gave us plenty of fishes. It seems they had met the Moor whose friendship we experienced yesterday, and were by him informed of our distress, so that we were indebted to that kind-hearted fellow for his guidance and this day's protection.

Friendly natives.

22nd.—The natives accompanied us a few miles and returned, leaving with us a plentiful supply of fish. This day we walked 12 miles.

23rd, 24th, 25th.—Walked 10 or 12 miles each day, without meeting with any natives, and being wholly without nourishment almost perished for want.

Perishing with hunger.

26th.—At 9 a.m. observed several natives on the top of a high bluff, who came down to us as we approached, and remained with us for some time. When we had made signs to them that we were hungry and much exhausted, they brought us plenty of fish and treated us very kindly. After we had refreshed ourselves and put up some fish to carry with us, we were preparing to proceed, when about fifty strong natives made their appearance, of whom we soon took leave, giving them such little presents as we could afford, and with which they were apparently well satisfied. We had not parted more than twenty or thirty minutes when a hundred more approached us, shouting and hallowing in a most

Supplied by natives with fish.

- 1793 whether a ship would find a passage between, and therefore it would be hazardous to attempt passing a line between the isles and the main untill better known.

The vessel
carried out
of her
course.

The flood-tide continued to carry us rapidly to the N.W. towards a strong rippling, which we endeavoured to pass to the northward of by the assistance of our sweeps; but on approaching it we found it extended that way as far as could be discerned, curving a little to the eastward, and was more than a cable's length in breadth. There was no other choice, therefore, than to look out for that part where the water was least disturbed; in passing through we found 9 fathoms water in the middle of it. The northernmost of the islands off Cape Portland is divided into two parts, nearly equal in size, whence it will be distinguished by the name of Double Island. The ripple commences about a mile N.W. of this; but whether there is deeper water upon the breaking part, close to the island, that I cannot determine. Our sounding of 9 fathoms upon the ripple may, perhaps, be near the average depth; but as this agitation of the water is most probably occasioned by the tide passing rapidly over an irregular bottom, the soundings will necessarily be irregular also.

Double
Island.

The flood-tide continued to run till 4 o'clock, carrying us now to the S.W. ward towards a large bight round the cape; when the ebb made we dropped the anchor in 11 fathoms, the weather being still calm and the evening very fine. The Double Island then bore N. 35° E. 2 or 3 miles; and the westernmost land in sight, afterwards named by Governor Hunter, Isle Waterhouse, S. 49° W. The coast round the bight is sandy, the same as to the eastward of Cape Portland, and rose gradually at the back to high mountains, a range of which, bearing S. b. E., much resembles the peak and high land of Cape Barren, seen in the same direction.

Isle Water-
house.

Probability
of finding a
river.

As rivers are usually found in the neighbourhood of mountains, their channels being hollowed out by the water from the heights tracing the same course down to the sea during a succession of time, so we expected to find some opening in this bight; and the ebb-tide coming at the rate of $2\frac{1}{2}$ knots from more than two points within the westernmost land assisted the conjecture, and led us to hope that if the wind should come dead into the bight and too strong to beat out against, there might yet be a better fate in reserve for us than to be driven on shore.

Latitude
and
longitude.

By the meridional altitude of the planet Mars the latitude of the anchoring-place was 40° 44' S., which is the situation of Cape Portland by the observation at noon, and it now bore nearly east of us about 2 miles distant. A single set of distances of the sun east of the moon gave, when corrected, according to the Port Dalrymple observations, 148° 6 $\frac{1}{2}$ '; but I preferred the bearing of Cape Barren Peak, and from it have placed Cape Portland in 148° 3' to 7' E. in the chart. By the sun's amplitude, the variation



1798 the shore here, and is not so peaked and irregular as before. There were smokes rising both ahead and astern of us from the low space between the mountains and the coast.

Smoke on the mainland.

The wind having come round to N. b. E., we hauled up to W. b. N. and passed near a small rocky island which lays about $2\frac{1}{2}$ miles to the N.W. of the clifly head; a few overgrown hair-seals were sitting on the uppermost parts of it. At noon observed the latitude to be $40^{\circ} 55' 25''$ S., and the clifly head bore S. 76° E. 4 or 5 miles; our longitude, $147^{\circ} 16\frac{1}{2}'$ E. From this head the shore again became sandy. A projection about 2 leagues farther on opened from it at S. 58° W., but it then turns more to the southward to a low head, which bore from us S. 21° W. 3 leagues, the farthest extreme S. 39° W. At this time we altered the course to S.W. b. W., still increasing our offing somewhat, for the wind was now upon the beam, and I feared it might come still farther forward. Being very desirous to find some place of shelter that might save us from being driven back, should the wind head us and come to blow, and finding the land to hollow in behind the low head, at 2 we steered S.S.E. towards it. As we advanced the port became more conspicuous, and in two hours we had passed the low head and steered in S.E. with a strong flood-tide. Some shoals that were not quite covered we left on the starboard hand, and, as near as the wind would permit us, steered a straight course for the entrance, which appeared to lead into a large basin or bay.* This course took us through several strong riplings and whirlpools, upon which there was 9, 7, and 5 fathoms, but directly we were in the smooth water could find no bottom with 13. About 3 miles from the entrance a low green island lays in nearly the midchannel, but, preferring the direct course into the basin, we left it on the larboard hand. From 8 fathoms the next casts of the lead were $3\frac{1}{2}$ fathoms and 6 feet, and immediately the sloop touched the ground; but the bottom being soft and the tide flowing, she dragged over without injury, and the water gradually deepened till we had the channel open from the other side of the Green Island, when the line showed 7 and 8 fathoms, and then no ground with 13.

Latitude and longitude.

Looking for a safe anchorage.

"A large basin or bay."

Anchor for the night.

Fresh provisions.

Finding the tide hustling us we scarcely knew whither, and the evening coming on, steered over to the west side between some shag rocks that shewed their heads above water and the point they lay off. Here the water shoaled, but getting 2 fms a little farther off the shore, dropped the anchor. From the masthead I had seen the western arm over the low point of land, and was a good deal surprised to find the entrance into it so shallow. Four unfledged black swans that were caught up it by the boat, and brought on board in the evening, afforded us great joy, considering them to be an earnest of fresh provisions as long as we should stay here.

* Named by Governor Hunter "Port Dalrymple," in honor of Alexander Dalrymple, Hydrographer to the Admiralty.—Post, p. 788.

November 4th.—In the morning Mr. Bass [landed] to walk into the country, with two men to accompany him. I employed myself in measuring a base-line, and getting bearings from several stations near the vessel for a survey of the port, and at noon observed the latitude with the artificial horizon upon the Shag Rock to be $41^{\circ} 8' 29''$ S. These rocks are a good large collection of stones, which are covered at high water at the spring tides. At about two ships' lengths off there is 3 or 4 fathoms all round. 1798
Measuring a
base-line.

From hence I went down to the Green Island, and being low-water time, saw the shoals in the mouth of the port extending so far from each side that it was a matter of surprise to me how we got up so far as this island without touching the ground. In the deep channel that turns round to the east of this island there is a rock lays in nearly the middle of it, but the water is very deep in the passages, particularly between the island and the rock. Examining
the port.

The greatest part of Green Island has long coarse grass upon it, and several small trees and bushes. The large noisy gulls frequent it for the purpose of laying their eggs, several of which we found. There were also some old nests of swans, with the broken shells in them. These, I think, are marks of the inability of the natives to get over from the main, and led me to suppose they had no canoes amongst them. The young flood had made when I returned, and formed ripples and whirlpools everywhere. On one of the strongest of these there was 25 fathoms. Seeing Mr. Bass at the waterside, we took him off in our way on board, and a kangaroo weighing 80 or 90 pounds, which he had shot, and which was amongst the smallest of a flock he had fallen in with. Green
Island.

In the evening three of the people requested to take the boat up the western arm, which I granted, with an injunction not to land. In two or three hours they returned with six swans, which, having no wing-feathers, they had run down. Swans.

November 5th.—The following morning about 7 o'clock the vessel lifted her anchor and drifted up the western arm with the tide abreast of Red Bill Point, before it was perceived. On veering to 7 fms on the cable she brought up, but as I imagined the cable had been shortened by getting foul round the anchor, for she had rode over two tides with the same scope, we dropped our small anchor and sighted the other, but it was clear. We moored where she then lay, being about a cable's length from the north shore on one side, and as much from the shoal on the other. The greatest part of this morning I was tantalized with the hope of getting some lunar observations, but the clouds at length prevailed, and it would have been impossible to get a meridional altitude had I been within the reach of the sextant; but the observation by the artificial horizon yesterday shewed me that no more could be got here in the same manner. The rest of the day was spent in surveying and searching for a watering-place; but neither Mr. Bass or myself met Drifting
with the
tide.
Surveying.

1798 with any in our excursions that was at all convenient. I therefore determined to proceed up higher, as well as to examine the port, as from the necessity we were under of getting water before we sailed.

The sloop
aground.

Searching
for fresh
water.

A native.

Watering.

November 6th.—Accordingly, next morning we got under weigh with that intention, but the flood-tide being almost as much as she could stem, and sweeping round the point of the shoal, we got upon it before the sloop could answer her helm. The rise of the tide and a little exertion got her off without any injury, and we made sail with a fresh westerly wind past the Shag Rocks over to the middle island, under the lee of which I proposed to anchor, but finding [it] too shoal there even for the sloop, we stood into the bight on the north side, and kept along the shore upwards, looking out for a stream of water and a cove to anchor in out of the tide's way. We carried 10 fms or more tolerably close to the shore. After running 2 or 3 miles a cove presented itself, into which, from the formation of the hills at the back, it was probable there would be some drain of water. The cove was too shoal for the sloop to lay in, but meeting with a bank where there was 5 fathoms of water we anchored, and went on shore in the boat to examine it. Marks of natives having been here some little time back were numerous, and we found what was of much more importance to us—a stream of water coming into the N.W. corner of the cove. Near the middle of it also was a gully, which had contained a run in wet weather, and at this time there were several holes in it full of the best water I had ever tasted, and this being more convenient to get at than the other was pitched upon for our purpose.

During dinner-time a native came down to the shore opposite to us, and employed or amused himself by setting fire to the grass in different places, and soon after we observed a smoke likewise upon the middle island. As I wanted some angles from this place, Mr. Bass and myself went there in our little boat, but the natives had then left the island, most probably at our approach, for soon after, on looking round with a telescope, I saw three walking up from the dry flat, which at low water joins this island to the main. They appeared to be a man, a woman, and a boy; the two former seemed to have something like a small cloak of skins wrapped round them.

November 7th.—The getting on board $1\frac{1}{2}$ tons of water employed the boat and people on Wednesday morning, and the shoalness of the cove was such that the hogsheads could only be rafted off at high water. In the afternoon, Mr. Bass and myself landed on the opposite shore; he to examine the internal part of the country, and I to ascertain the winding of the coast-line, and by a long base to connect the different parts of what may be called the basin with this eastern arm. About sunset we returned without anything in particular occurring to either of us.

may be known besides its latitude. The land at the back lays much more in hummocks than on any part of the coast near it; and there is a roundish mount about 3 leagues inland, bearing S.W. $\frac{1}{2}$ W. from the bay, which is sufficiently distinguishable above the neighbouring hills to be seen at some distance, and may be more especially known in a fine day by having Mt. Dromedary in sight about 12 leagues distant, bearing N. b. W. from the entrance of Twofold Bay. The outer points of the bay are remarkable by having each a dry rock laying off them. The next point without that on the south side is the before-mentioned Haycock Point; and we noticed that the projection next the north point was broken, remarkable land, a flat piece appearing to be separated from it. It is high water about nine hours, and rises about 7 feet. The longitude of the coast is $150^{\circ} 13'$, which is 13 miles farther to the eastward. Our time was employed from the 9th to the 14th in surveying this bay. 1793

Landmarks.

October 14th.—In the morning sailed; and soon after 6 o'clock, having run 10 leagues, took our departure from Cape Howe, bearing N.W. about 4 leagues, and steered a course for Furneaux's Land (if any such existed), north of Sisters, in the latitude of 39° . The wind coming round to the N.W., I hauled up S.W., thinking it immaterial whether we first made Wilson's Promontory and run east from it to the meridian of the Sisters, or *vice versa*, each of them being equally well calculated to ascertain whether the promontory was the land seen by Captain Furneaux after leaving the islands, or whether any other existed in that latitude. Searching
for
Furneaux's
Land.

October 15th.—From daybreak on Monday to noon we kept close to the wind, which was light.

Light and variable from the westward. Our observed latitude then was $38^{\circ} 34'$, and longitude by dead reckoning $149^{\circ} 16'$ E., but we then thought it was farther to the westward, from having the appearance of land N.N.W. of us supposed to be the hills at the back of the long beach; this could have been only an appearance.

The amplitude, $9^{\circ} 54'$ east variation at sunset; and we again thought there was land bearing well to the westward, which raised our hopes of soon making Wilson's Promontory. As soon as the stars made their appearance I got a set of distances of Fomalhaut east and Antares west of the moon, by each of the sextants. The result was considerably to the eastward of our dead reckoning, and, being corroborated by some taken on board the Nautilus, destroyed all hopes of a westerly current. Ascertaining
the longi-
tude.

October 16th.—Soon after daylight tacked to the N.W. ward, the wind being at W.S.W., but saw no land; at noon, latitude $38^{\circ} 42\frac{1}{2}'$ S., longitude by dead reckoning $148^{\circ} 39'$ E. The weather continued fine, whilst the wind shifted gradually round to the south to east in the course of the following night. We kept to Bearing
away for
Wilson's
Promontory.

1798 as we sailed by him. We extended a base-line from the next point across a small stream of fresh water which falls into the shoal bight between Swan Point and it, and having gotten the necessary angles returned on board about 4 o'clock, the sloop being then at an anchor, very near us, in 4 fathoms. She had met with shoal water over on the east side, and being obliged to turn back had lost a good deal of time, and the river appearing to get shoaler in this wide part of it, Mr. Bass stood over to us on the west side and dropped the anchor. At low water the shoal was dry to within 2 cables' lengths of the sloop, and extended past the mouth of the fresh-water run, which must make it troublesome to fill casks there. Hoping to find a more convenient place to complete our water before we should leave this river, we did not attempt it at this place.

The principal object of the expedition.

As the order I received from his Excellency Captain Hunter to return to Port Jackson in twelve weeks did not leave me any superfluous time, and the principal object of the expedition remained to be fulfilled, I found it necessary to forego the desire of examining this river to its farthest navigable extent, and therefore determined to dedicate the following day to an excursion in the boat as far upwards as I should be able to carry on the survey, and then to go down to the lower arms, one of which remained wholly unexamined. This I proceeded to put in execution on the following morning, and Mr. Bass landed on the western shore to take a day's walk into the country at the same time.

Course of the river.

Mountainous country.

November 11th.—From the top of a hill that stood on the west side, or rather, as the direction of the river is in this part, on the south side, I found that from the S. W. reach, where the sloop lay, the river curved to the E. S. E. and ran in that direction $1\frac{1}{2}$ or 2 miles, where it appeared again to open out its banks to a considerable extent; its course being then intercepted by a great body of mountains, it turned more to the southward along the foot of the nearest range. This body of mountains consists of three ridges, whose general trending is towards the S. E. Some blue peaks and caps of more distant land to the E. N. E. topped over the uppermost ridge, which I judge to be the same seen from the large bight on the west side of Cape Portland, and amongst which the river most probably takes its rise. The depth of water being 8 fathoms abreast of the hill I was upon, and the tides running still very strong, are much in favour of the supposition that the river runs a good deal farther up, if not to these distant mountains, and the water will be fresh a very few miles above, for it was almost drinkable at low water where the sloop lay. It was too late before everybody got on board to move downwards the same evening.

A thick fog.

November 12th.—In the morning a thick fog prevented us from weighing before 8 o'clock. The weather being then calm, we pulled down with the sweeps, sounding as marked in the sketch of

and was as conspicuous from this as from the other side; the mountains of Furneaux's largest island were obscured by the haze. The wind hanging obstinately to the eastward, we tacked to the northward, working up under the low land between us and the mount. At noon the observed latitude was $40^{\circ} 22' S.$, and the mount bore 28° to the northward of east, the nearest land—a low, barren island, 2 or 3 miles in length—being about 4 miles distant. On approaching the high land first made in the morning we found a small low island laying to the southward of it, and connected, or nearly so, by a circular reef of rocks, whose convex side was to the eastward. The wind being very strong, and the weather dull and threatening, I determined to try for anchorage under the lee of the reef for the night. We accordingly luffed close round the island about dusk, made a tack into the bight, and, finding the place well sheltered from the easterly sea, dropped the anchor in 5 fms., having found a coarse sandy bottom with 7 at the previous cast, but it proved to be rocky where the anchor lay. The Nautilus stood in after us, but, not liking the appearance of the place, ran out to sea again. Between the island and the reef is a space where we expected there would be a passage out for us. should the wind come round to the westward, but, on examining it in the boat, I found there was not sufficient water through for the sloop to escape, and the bottom was very foul everywhere. Fearing the rocks might cut our cable, or the wind shift in the night, we weighed the anchor with a good deal of difficulty, stood out, and after running 2 leagues to the southward, hauled to the wind, under the close-reefed mainsail and storm-jib till daylight, and then bore away to pass between Mt. Chappell and the low western islands to join the Nautilus, who was standing off and on.

1798

Looking for
an
anchorage.Stood out
to sea.

October 19th.—The wind being now from the N.E., on approaching the mount it appeared that the island on which it stood was small, and that the low land between it and the small western island was a separate island; but of the width and depth of the channel between it and the mount I cannot speak, as the lee side prevented us from fetching up, and the weather was so thick and rainy that nothing could be seen of it. There is a bight on the east side of the large western island with a sandy beach, which would afford shelter from westerly winds. The water in this channel is discoloured, but there is more than 10 fms through it. Its width is near 2 miles. The water is also very pale for a considerable distance off the west side of these islands. On sounding we found a sandy bottom, with 23 and 25 fms at 3 leagues off. This cluster bears the name of Chappell Isles, consonant with the mount. They are rocky, extremely barren, and low, except the mount, which then appeared a conspicuous object over them; but it was so no longer when the granite mountains of

Chappell
Isles.Discoloured
water.

1796 of fresh water ; but there was sufficient room for a larger vessel than the sloop to lay there out of the tide's way, in from 3 to 8 fathoms. Had the weather been moderate, I should have returned and brought the sloop into the cove, but it now came on to blow strong, with the same kind of weather as yesterday. I therefore continued down the harbour surveying till 2 o'clock, and having the opportunity of low water, went out upon the extensive shoal that lays along the sandy western shore, and took bearings of every place where the water appeared to break, as well as of the rocks and shoals that showed themselves above the surface. At night we dropped the sheet-anchor under foot, the wind blowing a gale from the N.W., with constant rain and thick weather.

A gale.

Under weigh.

November 20th.—There being a light breeze at N.N.W., we got under weigh as soon as the flood slacked, and at noon were abreast of the outer shoals, having narrowly escaped being set upon a part of one of them, which was now first perceived. Towards the low head there were many dark-coloured suspicious appearances of shoal water, but it could not now be ascertained of what nature they were.

Leave Port Dalrymple.

We were now clear of the port, with a moderate breeze from the N.E., the weather cloudy with haze, and took our departure from Low Head, steering W.N.W. In the evening the weather became thick and rainy, when we kept more off the shore, and before 8 hauled our wind to the N.N.E. At 12 it began to freshen, and by daylight had brought us under close-reefed mainsail on the larboard tack, the wind having come round to W. b. N., where it fixed and blew a strong gale, accompanied with thick hazy weather and a good deal of sea.

Under reduced canvas.

November 21st.—By noon the balance-reefed mainsail and reefed storm-jib were as much as the sloop could bear, but these we were obliged to carry as long as possible, to make certain of drawing off the coast. The sun shewed itself at times, but there was too much spray and wet over everything to attempt an observation for the latitude.

Trim of the sails.

Towards the evening the storm-jib split, but, from the mast being placed so far forward, the mainsail balanced very well by itself—an evident advantage to us at this time, although it was deemed so much the contrary at Port Jackson that it had been intended to shift it.

A good sea-boat.

We were well satisfied that no land could be seen at sunset, and retired perfectly easy, the wind being at W.S.W., notwithstanding it was as strong as before and the sea higher ; for although the sloop shipped some large sprays, upon the whole she performed wonderfully. Seas that were apparently determined to swallow her up she rode over with all the ease and majesty of an old experienced petterel. The gale moderated a little during the night, and the sea became less furious.

the sheet-cable was bent, and the anchor got over the side, before the sloop struck; but we had only 7 feet water abaft. 1798

October 27th.—We were detained at this anchorage by a heavy gale of wind till this morning, when it became more moderate, and we weighed and stood over with the flood-tide to the Western Passage Island, on which two of the people landed to get a few sealskins. In standing from thence to speak the snow* before our final departure, the shoal water on the north side of the channel obliged us to tack; and a heavy squall coming on at the same time, we anchored in 5 fathoms, and soon after let go the sheet-anchor, there being a good deal of sea and the wind blowing a gale from W.S.W. The peak of Cape Barren bore from us N.N.E. $\frac{1}{2}$ E., and the inner rocky point S.E. b. S. A boat that came to us in consequence of a signal was not able to return till the following morning. A heavy squall.

October 29th.—It was not till the morning of the Monday following that the gale was sufficiently moderated to allow of moving; we then ran over to the little sandy bay under the lee of the island, which the two people were upon, and anchored in $2\frac{1}{2}$ fathoms, having the rocks off the N.E. end of the island and the peak nearly on at N.N.E. The outer part of the reef that lays off the south point of the bay bore S.E. b. E. and within $1\frac{1}{2}$ points of being shut on with the south end of the eastern island, which is the only part that this bay is exposed at; from thirty points of the compass it is tolerably well sheltered. The gale moderating.

The channel between these two Passage Islands lays about S.S.E. and N.N.W., and is nearly a mile wide. The flood coming from the southward joins the more rapid tide from the eastern passage and runs to the N.W'ward, leaving a shoal on each side.

After filling up the large bight called Kent's Bay, by Mr. Simpson, where the snow lay, the tide turns to the W.S.W., between the N.E. end of Clarke's Island and the opposite sloping point on Cape Barren Island. The limits of the channel being here contracted, the velocity of the tide is increased, and thence the depth of this part is greater than we found it anywhere else. On the west side of these projections the sand left by the eddy has accumulated to shoals, which are partly dry at low water. The body of the tide runs west-southerly, past the south end of Battery Island and Point Whombat, in a channel of 9 to 12 fms deep, and continues its course through between the northern end of Preservation Island and the opposite shore, where as far as we went there is 7 to 10 fms in the deepest. On the west side of Point Whombat there is a shoal, which extends along the shore and bounds the north side of the channel. There is also one in the wake of Preservation Island, bounding the south side. It lays directly under the lee of the body of this island with a westerly wind. The tides. Shoals.

* The sealing-vessel Nautilus.

1798
The
weather.

sight. The wind had by this time shifted to N.N.W., and blew strong with rainy weather, and before 8 o'clock was at W.N.W., which obliged us to tack off shore. At noon it blew a gale, but being then at W. b. S. the weather cleared, as it usually did, when the wind was on that side of west. We kept steerage-way on the sloop till 3 o'clock, and then took in the storm-jib and lay to under the close-reefed mainsail.

At sunset the high land of Cape Barren Island and of Van Diemen's Land was in sight, which induced me to make as much sail as the sloop could bear, to keep to windward during the night.

Bearings at
noon.

November 26th.—The wind moderating before the morning, and coming back to the northward, we tacked at 7 o'clock, making another attempt to get along the coast to the westward. At noon it was nearly calm; the observed latitude was $40^{\circ} 34' 30''$ S. Mount Chappell bore N. 31 E. 6 or 7 leagues, and the low land about Isle Waterhouse S. 21 E. About 3 in the afternoon a breeze sprung up from E. by S., with which we steered to the S.W'ward. The flat level island before mentioned bore S. 12 E. 7 or 8 miles at sunset. At 10 we hauled N.E. by N. off the coast till half-past 1, and then tacked to come in with the land by daylight.

November 27th.—At 6 in the morning the clifty head bore south $1\frac{1}{2}$ miles, and the small rocky island W. by N. 2 miles. We passed close without the latter, and set it on with the head at S.E. by E.

Off Port
Dalrymple.

Having now nearly reached the western part of our track, the wind began to shift round to its old quarter, with hazy weather, as if determined to resist our farther progress. At 9 o'clock, when the entrance of the port was open on the lee bow, it freshened to a gale, and the sea began to rise; we therefore judged it expedient to bear away and secure a retreat. The discoloured suspicious appearance which had been observed when coming out the port we now saw were patches of weed. In steering through these we yawed to one side and then the other, to prevent running over any of them. Nevertheless, I apprehend there cannot be less than 3 fms upon these patches, for the sea did not break upon any but the outermost one, or that which is farthest from Low Head.

December 3rd.—At 11 o'clock we anchored near the Shag Rock in 7 fms. As all the observations made in this port were now concluded, this may be the most proper place for inserting such as are most material and have not been remarked in our daily transactions.

The port
named by
Hunter.

The harbour itself is named Port Dalrymple by his Excellency Governor Hunter, as a small token of respect to the indefatigable labours of Alexander Dalrymple, Esq., whose fame in the hydrographical world needs no comment in this place to support it.

wrecked ship Sydney Cove, told me he had visited it and found the ground thickly strewed with their eggs, from which account I had called this and the small rocky patches near it the Swan Isles, a name they appear very little to deserve. 1796

November 1st.—The flood making about 9 o'clock in the morning, we were under weigh at that time, and off the south end of the island, carrying 6, 7, and 8 fathoms along it at less than 2 cables' lengths from the rocks. There is another bay at the S.W. end of the island; it does not bight back so far as that in which we anchored at the S.E., but having a more southern aspect, it seems to be not so much exposed to easterly winds. Under weigh.

Being nearly calm, we drifted with the tide towards the N.E. point of Van Diemen's Land, afterwards named by Governor Hunter, Cape Portland; the depth of water generally 8 fms, with a sandy bottom, to within a mile of the shore, when it shoaled to 3. The sun was upon the meridian whilst in that situation, and gave the latitude $40^{\circ} 43' 40''$ S., and the peak of Cape Barren bearing N. 31° E., the longitude will be $148^{\circ} 6'$; taking the peak in $148^{\circ} 26'$ E., as the run to Low Head at the entrance of Port Dalrymple, and the lunar observations taken in that port, afterwards gave it. Had I been fortunate enough to have had one of the timekeepers on board the sloop that were at Port Jackson, the relative positions of all these places that are within a few days' run of Port Dalrymple would have been well ascertained, and from the arrangement of the observations taken there, and their number, the real situations would probably have been as near the truth as the lunar distances at present usually give. Cape Portland. Bearings of headlands.

From the easternmost extreme of the land to Cape Portland the shore is sandy, and apparently barren enough, but rises gradually to hills, which seem well clothed with verdure. The coast is almost a continued beach. There are two or three small low islands off the cape, which bore W.N.W. about 2 miles at noon, and some patches of dry sand between them and the sloop. Fearing these might be connected with the cape by shoals, we put the vessel's head to the northward, and as she had steerage way, expected to have passed round the whole. This was accomplished, but the tide increased its rapidity so much on approaching the outermost island that it took away all command of the vessel, and we no sooner perceived a ledge of rocks laying off the N.E. end of the island than we were hurried into the middle of it, and saw the stones close under the bottom. Before the sweeps could be got out or any other movement effected, the tide carried us into deep water; and probably found a deeper channel for us than we could have done for ourselves. Character of the country. A strong tide.

From this island a line of shoal water extends so far to the eastward towards the small western Swan Isles that I doubt

1793 contractions, and the consequent irregularity of the bottom, the ripples and whirlpools are very strong and numerous.

The
entrance to
Port
Dalrymple.

It will appear from the sketch of this port* that it is very difficult of access. In addition to the sketch, I would observe to a vessel going in that the greatest part of the shoals are covered at half-tide; it is therefore by much the best time to go in with the first of the flood, or even a little before that. A line drawn from about two cables' lengths of Low Head for the middle of the harbour will, with a little deviation, carry her almost up to Green Island. There are two passages into this fairway—that nearest Low Head is amongst the patches of weed; the outer one is to run tolerably near the outermost shoal, which, I believe, is uncovered at all times of tide, and then to steer about E. b. S. for the lagoon beach, according to the line of direction marked in the sketch. I am not quite certain whether at a much less distance than two cables' lengths from the Low Head the former passage may not be clear of the patches of weed; it appeared to be so from the head.

Sailing
directions.

Having steered S.E. b. S. about one mile and a half for the middle of the harbour, which will be sufficiently conspicuous unless the weather is very thick, the deep channel will begin to narrow; and a dangerous rock on the larboard hand, with shoal water a small distance round it, must be looked well out for. If it should be above or near half-tide it will be covered; but its place may be well ascertained by a remarkable gap in the trees at the top of the northernmost and nearest hill, which bears E. b. N. from the rock. This rock and shoal are more particularly dangerous, as the ebb-tide appears to set a good deal upon them; the situation will often be denoted by a strong ripple, but perhaps not always. It is safest to keep the shoal on the starboard hand nearest aboard, especially above the narrow part, hauling more into the channel whenever the line shews five or six fathoms. This shoal, being in general a mixture of shells, sand, and a little mud, upon a rocky foundation, will, in almost all kinds of weather, show itself to a man at the masthead, and is tolerably steep too. If the vessel comes in before the tide is much risen, the greatest part of it will be dry untill Green Island is approached very near to. It will have the appearance of being a point, and the direct channel into the basin will seem to be on the west side of it; but with the knowledge that the channel winds round on the east side of the island, it will be sufficiently conspicuous.

Shoals in the
entrance.

The
passage.

The middle rock lays equi-distant from the Green Island and the two points of Outer Cove, and, like most of the rocks and shoals, is uncovered till near half-flood. The passage is clear on each side of it and deep moderately close to, but that nearest to the island is the best and most direct. Should the rock be covered, the safest way is to keep the island close on board; this is more especially necessary on the ebb-tide, for it sets over or close past the rock,

* See Plate VI, Flinders's "Terra Australis" (Atlas).

was $12^{\circ} 20' E.$, but, as before observed, our azimuth compass could seldom be depended on to 2 or 3 degrees. I believe the variation to be about 9° . 1798

November 2nd.—In the morning we weighed with a breeze at E.S.E., and steered south for the head of the bight in a line parallel with the larboard shore. It forms into sandy bights, and has some low rocky islands laying along it at a small distance; the largest might be a quarter of a mile long. At noon the latitude observed was $40^{\circ} 49' 45'' S.$ Our distance from the beach near the head of the bight was not more than $1\frac{1}{2}$ miles, and the Double Island and Cape Portland were in a line bearing N. $18^{\circ} E.$ 6 miles. After standing a mile farther on the same course we bore away S.W., and afterwards W.N.W. along the shore for Isle Waterhouse, finding no river or opening of any kind. This island is about 3 miles in length, moderately high and level, and its distance from the west point of the large bight is about $1\frac{1}{2}$ miles. There is a sandy hillock upon this point of the bight, and some rocks laying a quarter of a mile right off it, but at a mile distance there is 8 fms. Seeing the coast trend well to the southward of west, we hauled up within the island and steered along it. Our soundings in the passage were never less than 4 fms, but the bottom being a white sand, the discoloured patches showed themselves as distinctly as if there had been only as many feet. A small rocky island lays only $\frac{3}{4}$ of a mile off the S.E. end of Isle Waterhouse, and somewhat contracts the width of the channel; but the depth of water had increased to 6 fathoms when abreast of it. There were many birds, and a few hair-seals upon it. Steering south.

The main continued rather low near the shore, with patches of trees in places sandy beaches in general skirting it as before. After running about 4 miles S.W. by W. the coast trended S.S.W. into a bight, and then rounds out to a point, from which Isle Waterhouse bore N.E. 10 miles. This projection is composed of sandhills, as is another much resembling it, 2 miles W.S.W. of it. Seeing rocks laying out some distance to the westward of this last point, we sounded past it in 5 and 4 fms, at $\frac{1}{2}$ of a mile distant. At dusk we hauled to the wind off the coast; the furthest land in sight bore S. $60^{\circ} W.$ about 5 miles, and an island about a mile long much resembling Isle Waterhouse N. $9^{\circ} E.$ nearly the same distance. The wind was now fresh at N.E., and continued so all night, during which time stood to and fro, keeping the island in sight. Isle Waterhouse.

November 3rd.—At daybreak we were $1\frac{1}{2}$ [miles] to the westward of it. The top appeared green and level, and the shores rocky, but I did not see any seals upon it. Having regained yesterday's track, we kept along the shore for the head set last night, which was higher than usual, and remarkable for being the first cliffs we had met with on the coast. The high land approaches nearer to The mainland.

Standing on and off all night.

- 1798 of time that our boat could be spared from more important employments we caught about thirty-five, and as one will serve three or four people for a day, they constituted the greatest part of our food during the time of our stay. They frequent the middle and western arms, but in the upper parts we found them most numerous at the heads of the coves, and particularly in the shoal bight above Swan Point; but they will probably be found in still greater numbers in the fresh water.
- Kangaroos. Kangaroos are tolerably numerous, and Mr. Bass was of opinion that they are larger than those about Port Jackson.
- Ducks. There are large flocks of ducks, but we found them shy. We took no trouble after them, and consequently got none. The white-bellied shag is commonly met with, and the large black one that is usually found about rivers. This last, we afterwards found, was very good eating. Pelicans also inhabit here. Of the
- Fish. fish, I can only say that our wants or leisure were never sufficient to induce a trial to catch any. A hook was once put over for a shark or nurse, which a piece of hide that was soaking overboard had attracted to the sloop. The islands in this port would be found very convenient for landing goats or other stock upon from a ship during her stay. Green Island has before been spoken of. Middle Island is a very beautiful place, and contains about forty acres of good pasturage, but the natives sometimes cross over the flat from the main, which, however, it is probable they would not do if the ship was laying near, or any person
- Egg Island. was on shore with the stock. Egg Island is small. We did not observe any marks of the natives having visited it, and it is covered with long grass; our limited time would not allow us to follow it up as far as it permitted navigation. From the table at the end of this journal it will appear that the latitude of Low Head is about $41^{\circ} 3\frac{1}{2}'$ south, and the longitude $147^{\circ} 11'$ east of Greenwich. The variations by the azimuth compass was $7^{\circ} 33' 15''$ east, and by the theodolite $8^{\circ} 30'$. I calculated the time of high water to be about a quarter of an hour before the moon passes over the meridian, and the rise of the tide from six to eight feet; the ebb runs out near seven hours.
- Compass observations. December 3rd.—Whilst laying at an anchor off the Low Head we got some azimuths by the compass, which agreed very well with those taken in Outer Cove. We had scarcely finished taking them when a breeze sprung up from the N.E'ward, upon which we quickly got the anchor up and made all sail to the westward. A little before it was dark, a rounded hill, which was the farthest land in sight, bore W. b. S. At 8 we hauled to the wind off the coast, being then 7 or 8 miles from Port Dalrymple.
- The voyage resumed. December 4th.—At 4 o'clock on Tuesday morning we found ourselves about 2 miles to the east of our situation on the preceding evening. We then made sail W. b. N., with a light breeze from

November 4th.—In the morning Mr. Bass [landed] to walk into the country, with two men to accompany him. I employed myself in measuring a base-line, and getting bearings from several stations near the vessel for a survey of the port, and at noon observed the latitude with the artificial horizon upon the Shag Rock to be $41^{\circ} 8' 29''$ S. These rocks are a good large collection of stones, which are covered at high water at the spring tides. At about two ships' lengths off there is 3 or 4 fathoms all round. 1798
Measuring a base-line.

From hence I went down to the Green Island, and being low-water time, saw the shoals in the mouth of the port extending so far from each side that it was a matter of surprise to me how we got up so far as this island without touching the ground. In the deep channel that turns round to the east of this island there is a rock lays in nearly the middle of it, but the water is very deep in the passages, particularly between the island and the rock. Examining the port.

The greatest part of Green Island has long coarse grass upon it, and several small trees and bushes. The large noisy gulls frequent it for the purpose of laying their eggs, several of which we found. There were also some old nests of swans, with the broken shells in them. These, I think, are marks of the inability of the natives to get over from the main, and led me to suppose they had no canoes amongst them. The young flood had made when I returned, and formed ripples and whirlpools everywhere. On one of the strongest of these there was 25 fathoms. Seeing Mr. Bass at the waterside, we took him off in our way on board, and a kangaroo weighing 80 or 90 pounds, which he had shot, and which was amongst the smallest of a flock he had fallen in with. Green Island.

In the evening three of the people requested to take the boat up the western arm, which I granted, with an injunction not to land. In two or three hours they returned with six swans, which, having no wing-feathers, they had run down. Swans.

November 5th.—The following morning about 7 o'clock the vessel lifted her anchor and drifted up the western arm with the tide abreast of Red Bill Point, before it was perceived. On veering to 7 fms on the cable she brought up, but as I imagined the cable had been shortened by getting foul round the anchor, for she had rode over two tides with the same scope, we dropped our small anchor and sighted the other, but it was clear. We moored where she then lay, being about a cable's length from the north shore on one side, and as much from the shoal on the other. The greatest part of this morning I was tantalized with the hope of getting some lunar observations, but the clouds at length prevailed, and it would have been impossible to get a meridional altitude had I been within the reach of the sextant; but the observation by the artificial horizon yesterday shewed me that no more could be got here in the same manner. The rest of the day was spent in surveying and searching for a watering-place; but neither Mr. Bass or myself met Drifting with the tide.
Surveying.

1798 distinguishable the last two days, there being no land of at all an equal height near it. It made at first with a flat top, but as we brought it to bear to the eastward of south it assumed a conic form.

and of the
adjacent
country.

From Port Dalrymple to Table Cape the land was well covered with wood, and had the appearance of being fertile; but on the west side of the cape there seems to be scarcely earth enough to support a starved scrubby brush, the bare rock showing itself in patches up to the summit of the hills. The rocky cape* for which we steered lays W. b. N. $\frac{1}{4}$ N. from Table Cape about 4 leagues, and, like most of the other projections, made at first like an island. The shore between hollows back into two shallow bays, the westernmost with a sandy beach, and there is a small rocky inlet laying off it one mile and a half distant from the shore.

Circular
Head.

At 8 o'clock we were abreast of the rocky cape. Behind it the shore falls back to the south-westward with a sandy beach, but curves round to the northward, and seemed to join the flat-topped piece of land which is called Circular Head in the charts, and which in its form very much resembles a Christmas-cake. It lays about N. b. 5° W., and distant 4 leagues from the Rocky Cape. I cannot be certain that there is no opening in the bight between these two projections, for the shore being low and sandy, and a thick haze hanging over the land, the continuation was not seen to be complete.

Bearings of
the land.

At half-past 10 the line of the shore from the Circular Head into the bight bore S.W. b. S., the head being then only one mile and a half distant. Upon the lower land that lays on the west side of the peninsulated Circular Head there are some large green bushes, which, at a distance, appear above the smooth half-starved brush like sea-lions and seals laying upon a rock. This lower land is not above two or three miles in breadth from the Circular Head, for the coast again falls back to the southward some little distance, and then continues its trending to the westward, but from the haziness of the weather and our distance off the shore we could only see it in patches. At noon, light breezes from N.E. b. E. and fine weather, but thick over the land. The observed latitude was $40^{\circ} 39' 44''$ south, and the longitude brought on from Port Dalrymple $145^{\circ} 43'$ east. Circular Head bore S. 27° E. 6 or 7 miles, and the farthest continuation of the land S. 16° W., to the westward of which it only appeared at intervals; and I think it probable that there is some opening near the last-mentioned bearing, but running to leeward to examine it was too dangerous at this time, the wind seeming inclined to come right on the shore, and there was a hummock of land in sight as far as N. 53° W., which was the northernmost of three that lay near each other, in nearly a north and south direction. The southernmost hummock is the highest, and something like a broad-based sugar-loaf in form.

Latitude and
longitude.

* This cape still bears the name of "Rocky Point."

November 9th.—The whole of the next day the wind blew strong from the eastward, with thick rainy weather. On the following morning we got under weigh with the first of the flood, and turned upwards, the wind being at S.E. in a light breeze. When abreast of Point Rapid, where the main stream runs short to the S.E'ward, I left the sloop to Mr. Bass, and went away in the boat to examine how this eastern branch terminated, and to get a few bearings to correct the survey as went up. From the flood-tide running so strong, the haste I was obliged to make to follow after the sloop prevented me from going up to the head of this branch, but it appeared to terminate as laid down in the sketch of the port. Having no lead in the boat, I could not ascertain whether it is deep enough for vessels to lay in, but it appeared to be so. The wind having dwindled away to a calm (and the sloop would consequently be unable to make any other progress than from the tide), I stopped at almost all the conspicuous projections to collect materials for laying down the river as we proceeded. Having passed a small green island, which was thickly covered with flowering shrubs (afterwards called Brush Island), and seeing two arms in quite opposite directions, I began to fear we should miss the sloop. The small remains of flood-tide determined me to take that whose course lay to the S.E. The width of this reach is but a short quarter of a mile, being much narrower and the banks are higher than in any of the lower parts of the river. At the end of this reach the river opened out to a large piece of water like a sea, the end of which was scarcely discernible. However, we soon had the satisfaction to see the sloop coming to an anchor about half a mile from us, and also to run down a swan in our way on board. Mr. Bass informed me that the eddies and whirlpools in the narrow reach had detained him a considerable time; but that if he had not been anxious for the coming up of the boat he could have got much farther on by keeping in the tide's way. Eight swans were caught by the boat this evening.

November 10th.—Being under the necessity of going down to Brush Island to bring the survey up from thence to the sloop, we did not get under weigh till near noon the next day, at which time I went up to Egg Island in the boat, and Mr. Bass followed in the sloop soon after, having a fresh breeze at W.N.W. In running from Egg Island to the opposite point we observed a flock of swans at the back of the shoal which lays off it, and as their numbers far exceeded any we had before met with, I called this low sandy projection Swan Point. Having taken the bearings of every projection and remarkable object that was in sight from this point, we sailed on amongst the swans with the boat, steering for the next point on the starboard shore. Had not the sloop been increasing our distance so fast from her we might have picked up a good many swans. One unlucky fellow was caught by the neck

1798

Under weigh.

Examining the Eastern Branch.

Brush Island.

A broad-water.

Swans.

Swan Point.

- 1798 whaleboat, and even the Promontory was very ill-known in longitude, being only guessed at from its supposed relative position to Furneaux's Islands. As we had no timekeeper, it became also an inducement to keep these hummocks and the land in their neighbourhood in sight, to preserve the connexion in the bearings along the shore, upon which keeping of the longitude free from the errors that a dead reckoning is liable to almost inevitably in a tide's way altogether depended, for had we left the coast but for a few days, and come in upon it again, but just so far to the westward of the hummocks as not to have known the land, there is two to one that the dead reckoning would have accumulated an error of at least one degree by that time, and, consequently, an equal chance that a place not more than eight or ten leagues from the hummocks would have been laid down at twenty-eight or thirty; and if we made the land two or three degrees to the westward, there is two to one that it would be placed one degree wrong. If opportunities of getting lunar observations should have occurred, they would most probably reduce this error to half or a third of that quantity.
- Difficulty in ascertaining the longitude. With these considerations Western Port was given up, and we made a stretch to the southward to beat up under the land, but could get no nearer to it until the weather tide made. At noon fresh breezes and hazy weather. Observed the latitude to be $40^{\circ} 22' 55''$ south, the northern hummock bearing S. 35° W., and the distance from the land under it about 4 miles.
- Coasting southwards. At half-past 3 we sounded in 11 fathoms, at 2 cables' length off the N.E. point of the land, and steered about S.E. b. S. under its lee, till we came abreast of a small beach about 4 miles from the N.E. point, to which we worked close up, and at 6 o'clock anchored in a quarter less 4 fathoms upon a sandy bottom, the extreme which sheltered us bearing N. 11° W. round by the west to S. 43° E. One of us* landed to examine the coast, and the other went upon the small rocks that lay off, but both without success as to our first inquiry, which was in some measure accounted for by the frequent marks of natives that were met with. We were, however, enabled to decide upon a most interesting question, for it was near low water by the shore, and we knew the tide had been running from the east all the afternoon. The flood, therefore, must come from the westward. This we considered to be almost a certain proof that there was a passage through between this land and New South Wales, and also that we could not be far from the west side of it. On our return on board we hoisted in the boat and got everything clear for putting to sea at a moment's notice, should the wind shift to the eastward.
- Anchored. The set of the tide. December 9th.—At 6 in the morning a light air from the S.E. succeeded a short calm. We weighed immediately and stood round the N.E. point. The land trends W. 8° S. from thence about 4 miles, then runs to the southward to a sandy beach, and from thence
- The voyage resumed.

* By "us," Flinders evidently refers to himself and Bass.

the port. When we came near the narrow whirlpool reach I left the sloop, and took some empty casks with me to fill at a small rill, which had been observed when going up the river, intending also to get a set of angles from One Tree Point. The former we were not able to accomplish from the tide being so nearly out; neither were we more fortunate in searching the cove opposite to this reach, where the sloop had then come to anchor. In the afternoon I continued the search for water in the lower parts of the river, requesting Mr. Bass to follow in the sloop as soon as the tide should turn in our favour. Along the west shore down to Point Rapid the head of every creek and gully was examined, but no water could be found that the boat could come within a reasonable distance of. At sunset we came to an anchor with the sloop upon the same bank above Watering Cove which we had before stopped at, but not chusing to wait till the following afternoon for the opportunity of filling our water up here,—

1798

Searching
for fresh
water.

November 13th.—We got under weigh again at daylight in the morning with the first of the ebb, and turned down below Middle Island with a moderate breeze from the westward. My intention was to run into the southern arm, but in standing over to the middle head the water shoaled so much that we were obliged to put about. Having made an ineffectual attempt to find a passage into it along the western shore we bore away, and at 9 o'clock anchored a little to the westward of the Shag Rock in 5 fathoms, not much to the east of our first anchoring-place.

The
southern
arm.

On going to examine the middle arm with the boat I found very deep water close to the western shore, but at this time could not be certain where the entrance into this deep channel lay. It appeared, however, to be of little consequence, for above the Middle Head, where the arm must be said to commence, there is but a small channel, or rather gutter, with 3 fathoms water in it. The rest is quite shoal, and a great part of it dry at low water. There were several swans at the head of the arm feeding on the grass which grows upon the shoals, and I observed two places where streams of water are most probably thrown into it at some seasons; but their entrance, if there are such streams, were now dry.

The middle
arm.

When we returned on board in the afternoon the wind blew a fresh gale from the westward, with hail and rain in squalls, which frustrated my intention of taking the sloop down the harbour with the evening ebb and anchoring in the entrance somewhere abreast of Green Island. The object in view was to lay in a convenient place for ascertaining the situations of the shoals and other parts in their neighbourhood, as also to be in readiness for proceeding along with the coast with the first fair wind.

Hail and
rain squalls.

November 14th.—In the morning I thought it advisable to go down in the boat and examine the outer cove. The head of it proved to be shoal, and the stream that falls into it salt instead

The outer
cove.

- 1798 island of about 3 miles in length bore S. 35° E. about 4 leagues. We made sail for this, keeping up E.S.E. to fetch it, but the tide set so strong to the south-westward that we were obliged to pass to leeward of a peaked black rock which lays 5 miles to the westward of it, and round some breakers that lay three-quarters of a mile to the south-westward of the black rock. The tide also prevented us from fetching a larger island to the S.S.E. of the former, which is equally high, steep, and rocky. The chart will give the best idea of the situation and forms of these islands as near as they could be ascertained, but they must not be expected to be perfect, for between the strong wind which now blew from the E.N.E. and the long S.W. swell meeting the tide, the motion of the sloop was such as to render our compasses almost useless. The land that lays to the west of Three Hammock Island now appeared to be unconnected with the coast, which we saw stretching to the southward, and consequently adds another large island to this cluster. I have denominated them Hunter's Isles after his Excellency Captain Hunter, by whose orders this little voyage of discovery was made. They have the appearance of having been long and constantly beaten by strong winds and high seas, and the westernmost of them seem scarcely accessible by reason of the steep cliffs with which they are begirt. If seals should inhabit these I judge they will remain unmolested until none are to be found anywhere else. The heavy swell, which the strong easterly wind made no impression upon, too surely announces the bad weather that generally prevails here, and the extreme danger a ship would run in cruising off and on for her sealing parties. The land which lays immediately to the southward and about 3 miles distant from the larger of the two high, steep islands is what we now considered to be the N.W. point of Van Diemen's Land, for the direction of the coast, the set of the tides, and the great swell from the S.W. did now completely satisfy us that a very wide strait did really exist betwixt Van Diemen's Land and New South Wales, and also now that we had certainly passed it.
- The tide.
- Hunter's Isles.
- A dangerous coast.
- The N.W. point of Van Diemen's Land.
- This N.W. point* is terminated by steep black cliffs, and there are two lumps of rock laying off it which are equally high and inaccessible. To the northward of the point the land runs back to the N.E'ward, leaving an opening between it and the south end of that island, which lays west of the Three Hummocks, which opening I judge to be the same that was set on Thursday afternoon from the eastward. On the other side of the N.W. point the coast trends south a little easterly for 7 or 8 miles in high dismal-looking cliffs, which appear as if they had not had a respite from the dashing of a heavy sea almost up to their summits for this thousand years. We got ground with 20 fathoms when the south end of these cliffs bore E. by S. $\frac{1}{2}$ S. 4 miles, but stood on a little longer till 8 o'clock, and then wore to the north-

* Called by Flinders "Cape Grim."

November 22nd.—In the morning we had many Mount Pitt birds about, but could see no land. At noon the latitude was $40^{\circ} 13'$, by as good an observation as could be got, and soon after some high hummocky land appeared in the N.E., which, by its form and our latitude, judged to be that of the west side of Furneaux's largest island. Soon after 1 o'clock we set, the squaresail and bore away before the sea for the Chappell Islands, to secure a situation to anchor in before night. At 3, Mount Chappell was in sight to the S.E., but on approaching to pass between it and the island S.W. of it we saw the breakers extending so far from each shore that it appeared doubtful whether there was any clear passage between them, and therefore we hauled up for the Western Channel.

1798
Sight Fur-
neaux
Group.

Hamilton's Road, at the east end of Preservation Island, being the only place of safety within our reach before dark, we steered for it, and glad were we to anchor there.

November 23rd.—The westerly gale continued to blow all the next day. This time was employed by us in drying and repairing our sails, getting provisions to hand, and recovering ourselves from the effect of the gale. At night I observed the beginning and end of an eclipse of the moon, and the time by the watch being corrected by altitude of the stars Rigel and Sirius, gave the longitude $148^{\circ} 37' 30''$ E. of Greenwich.

An astro-
nomical
observation.

November 24th.—The gale having subsided by the following morning into a moderate breeze from the N.W., we got under weigh, hoping to turn up with the flood to the Chappell Islands, which were almost wholly unexamined. After an ineffectual attempt on the south side of Preservation Island, we stood back and passed the road to examine the shoal and the passage between Preservation and Cape Barren Islands.

Under
weigh.

As long as the flood-tide lasted we kept turning to the westward, but the ebb making about noon, and not being able to anchor sufficiently near the Cape Barren shore to be sheltered by it, we bore away into Armstrong's Channel to speak the Nautilus, our former consort, and, through the commander of her, to inform his Excellency Captain Hunter of what we had already seen, and the tedious delays we had met with from the westerly winds. At 2 anchored in Kent's Bay, close to the Nautilus.

Rejoin the
Nautilus.

The wind having now died away, and there was a prospect of its coming fair for us, at 5 in the evening weighed and pulled towards Preservation Island with the flood-tide; but about dusk, a light breeze springing up at N.E., the advantage of which was worth the risk of removing in the night, we got in the boat, reefed the squaresail that we might see under it, and made sail to the S.W. for that part of Van Diemen's Land which we had left.

Return to
Van
Diemen's
Land.

November 25th.—At half-past 5 in the morning the small, flat, level island which somewhat resembles Isle Waterhouse was in

1793 the south extreme bore S. 47° E., for which we bore away before a moderate breeze from N.W., the weather hazy.

An apparent harbour.

At 7 we came abreast of a rocky head which is higher than those which had been lately passed, and behind which the land seemed to divide and form a gully or small river, running in to the northward; but I much doubt there being a passage in for anything larger than a boat, as there is a reef from the north head, which appeared to extend almost across the entrance.* We stood towards it for a few minutes, but the wind just at that time came round to the west, and rendered it necessary to keep farther off the coast. On the south side of this small entrance there is a sandy beach, from whence a smoke ascended as from an expiring fire, and was the first we had seen since passing Table Cape, on the north side of the island. The shore from thence becomes rocky, and forms a point about 4 miles from the entrance. There are also many rocks laying a small distance off the shore in this space.

Latitude and longitude.

The haze had hitherto obscured the mountainous land which had been seen bearing S. 52° E. on the preceding evening, but at 10 o'clock it was in sight, the highest part bearing E. 9° N., and our distance from the shore under it was about 7 miles. We then steered S.S.E. and S.E., keeping at nearly the same distance from the land till noon, when the observed latitude was 42° 2' 11". The longitude I reckoned to be 145° 16' east, and the thermometer stood at 64°. The wind blew fresh at west, and the cloudy weather and haze were such as scarcely permitted us to distinguish the high land, although it ranges tolerably close to the shore. The extreme of the land at this time bore as far as S.S.E. $\frac{1}{2}$ E., distant 4 leagues, which obliged us to haul farther out.

A sandy coast.

Of the hollow on the north side of this extreme I cannot speak with much certainty, the direction of the wind making it necessary for our safety to keep at such a distance from the shore that when combined with the haze would only allow us to distinguish that the coast was in general sandy, and to suspect that the haze obscured some great masses of high land close at the back of it. There is one or two places left in the chart where the coast-line did not seem to be perfect, but one of a like appearance near the outer point, we found on approaching it, had a low sandy beach running across. To the southward of this point the shore is rocky, the land is lower, and to appearance wretchedly barren. Not a sandy beach was seen on which the imagination could rest [with] a hope of saving our lives in case the wind should come to blow dead on the coast. We carried every sail the sloop had to set till 8 o'clock, and had then run 11 leagues to the S.S.E. since noon. We then hauled off to the S.W. ward, having set a pyramidal rock bearing east 5 or 6 miles, and a low rocky cape at E. 16° S.† The pyramid lays

An inhospitable shore.

* Evidently the entrance to Pieman River.

† The low rocky cape Flinders called "Cape Hibbs," after the master of the vessel.

It is difficult to find any good local marks whereby this port may be found. In coming from the eastward we noticed the nearest head that way as being the first we had seen cliffs in, for every projection between that and the Swan Isles is sandy. The mountains do here approach nearer to the shore than any we had before met with on this coast, and it is the offshoot of a ridge, or rather a chain of lower mountains from the great mass inland that forms this cliffy head. The butt end of this chain comes to the back of Low Head, over which it is seen from sea, when bearing to the S.E., as a cluster of irregular hills, with the parent mountains shewing their blue heads just over them. On the west side of the entrance there is also a cluster of hills a good deal resembling those at the back of Low Head. They are the butt end of a range from the mass inland, which comes down to the sea on the west side of the port, and with that on the east forms an angle of which the blue distant mountains are the apex, and where, I apprehend, the river takes its rise. At about 4 leagues on the west side of the port the land is uncommonly high and irregular, being in the nearest part a kind of tableland, and afterwards intersected into uncouth shapes and peaks. From the brilliancy of some parts on the appearance of the sun after rain I judged them to consist of granite, like the mountains of Furneaux's Islands.

1798
Appearance
of the coast

and of the
adjacent
country.

These appearances, taken together, are the best marks I can give for knowing this port by, in addition to its latitude, longitude, and trending of the coast on each side as laid down in the chart. The mountains whence I suppose the river to originate are situated to the E.S.E. from the entrance, and if they are, as is very probable, part of the great body of high land which we saw from the bight near Cape Portland, must be at least 10 or 12 leagues inland from the entrance to the port, and consequently we did not get more than halfway up the river. Between the two ridges or chains which branch off to the sea from these mountains the bed of the river is contained. Where the high lands which branch off inside shoots from the ridges are well apart, the river spreads out its banks to a considerable extent. Where they nearly meet the river is contracted by a small channel, but the rapidity of its stream does not suffer one to forget that it is a considerable river. It is in one place nearly $2\frac{1}{2}$ miles and in another a short quarter of a mile in width, and these nearly close together.

The
mountains.

The river.

One might suppose these large sheets of water to have been at one time separate lagoons, till repeated efforts, and perhaps some unusual weight of water, forced a communicating channel; the force of the whole being then united would work out a passage to the sea—from the shoals in the entrance, and particularly those connected with Green Island, which turn the whole force of the tides. The period when this took place has, comparatively speaking, been at no great distance. From these strange turnings and

A string of
lagoons.

HISTORICAL RECORDS

An apparent
harbour.

1793

the south extreme bore S. 47°
a moderate breeze from N.W.

At 7 we came abreast
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A sandy
coast.

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able

SOUTH WALES.

white streaks and patches of

and we perceived that the
by the swell. At sunset I

at the south extreme 103° to
which gives its true bearing S. 45½°

hills on Point St. Vincent N. 49°
that sprung up soon after this

off the shore a little, but there was

in the morning we steered E. b. N.,
for a high jagged point of land, which

At half-past 7 a steep head opened
the highest round hill upon Point

in a line with one of the highest
and this same mountain afterwards

the pitch of the high jagged point.
from the northward, and rocks laying off to the south-

the high jagged point was the S.W. Cape of Van Diemen's Land,
and consequently that from a totally unknown coast we were now

came to a part of the island that had often been visited before. On
this occasion it was gratifying to reflect that not much of it had escaped

to keep the shore so close on board that not much of it had escaped
a minute examination, and altho' [the winds] had much detained

as by their contrariety and violence, yet had the chain of angles
been never wholly broken from that part of the coast near the

S.E. Cape, where Capt. Furneaux left it, round to the S.W. Cape,
where his examination commenced. This will explain how it comes

to pass that without having a timekeeper our reckoning should
only err 5° of longitude in ten days, from Port Dalrymple to the

S.W. Cape. These places, too, are laid down by lunar observations,
and taken by different people and instruments, and at an interval

of twenty-two years.

The same tide or current that had drifted us about 4 leagues
to the southward during the night now prevented us from fetching

nearer than 3 miles to the S.W. Cape, but it then drew more to the
westward, and the wind took the same direction along the high-

towering heads. Those heads are the extremes of ranges of moun-
tains which, rising inland and stretching towards the south, have

been here abruptly severed by the effect of some unknown cause.
The De Witt's Isles are probably the uncovered remains of this sec-
tion. These isles and the projecting ridges seem to vie with each
other in sterility, but there is some vegetation on both in those parts
of them that are sheltered from the southerly and westerly winds.

* This jagged point of land was the South-West Cape.

according to the time of tide. When above this part there can scarcely be said to be any danger in getting into the basin, for the points are all steep to, and the Shag Rock is not covered till the top of high water. A ship may safely push in between the Shag Rock and the point, taking care that she borrows near enough to the point if the flood-tide is running, and does not go too near the shoal water in the entrance of the western arm before she anchors.

Upon the whole, although the entrance is certainly a dangerous one, I confidently hope that by attending to the sketch and the preceding remarks, and by keeping a vigilant look out, a vessel of any size may get in safely. In the Norfolk sloop we got up as high as Green Island on first going in, almost without perceiving any danger. However, this circumstance has often surprised me. The tide run so strong that a vessel will scarcely get in or out against them, but with them may get against any wind when she can carry sail.

In the sea-reach more particularly the tides form strong ripples and whirlpools, upon many of which we have found deep water, but it must by no means be inferred that a vessel need pay no attention to them. Outer Cove will afford anchorage for at least one vessel, and when well-known places will probably be found below that on the same side, for it is to be observed that the shoal water is marked to its utmost extent in the sketch, and in those places that I had not sufficient time and opportunity to examine minutely, perhaps somewhat more than it really is. Our usual place on the west side of the Shag Rock affords very good anchorage for small vessels, but ships that had good boats would lay in any part of the basin where there is deep water. However, I should think it most advisable for a vessel that wanted much water or to refit to run up into the fresh water at once, to do which there seems to be no direction necessary but to consult the sketch, particularly about Brush Island, and when above our uppermost anchoring-place she will of course keep a boat ahead. Wood can be had in as great plenty and as conveniently as can be wished, but I have reason to think fresh water is scarce in the lower parts of the harbour. The most convenient place we met with was the lagoon at the back of a beach, about a mile from Low Head, but the water was not near so good as that in Watering Cove, which is 2 or 3 miles above Middle Island, on the eastern shore. The difficulty of getting at the water there is mentioned in the daily occurrences.

The supplies of food tell more in favour of Port Dalrymple than those of fresh water. The great number of swans that inhabit the port would be a source for some time during our stay. We usually found about one-tenth of them without the wing-feathers. A great many of these might be caught by a handy whaleboat, with no other weapon than a boat-hook. In the short intervals

1796

A dangerous entrance.

Outer Cove.

Wood and fresh water.

Flocks of swans.

1798 the farthest land in sight, and was taken to be the South Cape, and the first land that opened round it being at E. b. N., about 6 miles distant, proves that it was so. But on examining Captn. Cook's chart, I think it is this next head that he has called the South Cape, principally from the relative situations of his Peaked Hill and the Eddystone. This peaked hill was called Cockscorn Hill by Captn. Bligh in 1791, which is a name very applicable to its form when bearing to the eastward of north, but when seen to the westward its high peak is only conspicuous.

An approaching storm.

Thunder, lightning, and rain.

At 6 it became nearly calm, and at the same time heavy clouds of black and red began to collect in the south and round the west. We therefore steered off shore, for at this time our distance was not so much as a mile and a half from the rocky shore, under the South Cape. There was a tide setting to the eastward, with which—and getting a little more offing—we hoped to be able to fetch into the Storm Bay Passage, if the wind should not come so dead on as at south. Sudden puffs of wind from the westward succeeded the calm, each puff being stronger than the former, and the intervals shorter. At the same time we saw a heavy squall behind, of all colours, sweeping along towards us and covering the horizon with impenetrable darkness. Soon after we had taken in all the sails but the foresail, it burst upon us, with thunder, lightning, and heavy rain. The direction of the wind was W. b. S., and we steered S.E. b. E. and east, keeping it as much quartering as we dare, to get farther off shore. Had it been from south, or had the squall come on an hour sooner, it is probable we should have been left to bleach under the high cliffs of the South Cape, and the separation of Van Diemen's Land from New Holland would still have been only supported by conjecture.

The South Cape rounded.

At half-past 7 the squall was mostly passed over, and we had an indistinct view of either Swilly* or the Eddystone, bearing S.E. $\frac{3}{4}$ S. The South Cape then bore W. $\frac{1}{2}$ N. 5 or 6 miles, and the next head N. b. E. two and a half. There was a second head in sight to the eastward of the cape, which opened from the first at N. 70° E., 5 or 6 miles asunder.† Beyond this I believe the coast trends away to the northward up the Storm Bay Passage; Tasman's Head was just in sight, bearing about N.E. b. E.

Bearing away for Tasman's Head.

Friday, December 14th.—It blew very hard during the night between west and north-west, accompanied with rain and very thick weather. We kept to windward in the mouth of the passage as well as we could, hoping to fetch in next morning; but at 4 o'clock found it would be impossible to weather the small islands called Courts by Mr. Hayes, and therefore bore away for Tasman's Head, the outermost of the Friar Rocks‡ then bearing N.E. b. E.

* Now known as Piedra Blanca.

† Shown on the maps as South-East Cape.

‡ So called by Captain Furneaux.

N.N.E., and hazy weather. In this weather, the bight, which lays round the south head of the port, could only be seen indistinctly, but I conjectured there was no opening in it. The small projecting point is low, and looked like an island. 1798

At noon the wind had headed to N. b. W. in a light breeze with hazy weather. Our observed latitude was $40^{\circ} 58' 10''$ south. We could yet distinguish the south head of Port Dalrymple, and the round hill, set on the evening before, bore S. 52° W. We hauled off the shore at dusk with a light air from the westward, and the hill then bore S. 44° W. about 7 miles, and the bluff north end of what appeared to be an island, W. 1° N. 6 or 7 leagues. This round hill stands close to the waterside, but would scarcely be observed at any considerable distance right off the coast; being very little higher than the back land, it loses its roundness when seen to the eastward. Six or seven miles on the east side of it there is a higher and much larger mount close to the water, which belongs to a range of mountains running to the S.-W'ward, and joining the great irregular mass, already spoken of, which commences within 3 or 4 leagues of Port Dalrymple. Off the northern coast of Van Diemen's Land.

December 5th.—At 10 in the evening it fell calm, and continued so till 3 in the morning, when a light air sprung up from S.S.E., but soon shifted to the northward. Our progress to the west was but small, for at noon we were still 3 leagues from the same bluff head which had made like an island the day before, but was now seen to join the main. It bore W. 10° S. It is moderately high and level, whence I called it Table Cape. Land was in sight a considerable distance beyond this cape, and bore 11° to the northward of west, making like a small flat-topped island. Our latitude by observation was $40^{\circ} 56'$, and the hills that came down on the south side of Port Dalrymple were still distinguishable, bearing E. 1° S., although our reckoning was 47° longitude west of Low Head. The light variable air, with intervals of calm, continued till midnight, at which time a breeze got up from the eastward, with which we stood off for two hours and then tacked in shore. Sailing westward.

December 6th.—At half-past 4 in the morning Table Cape bore S. 3° W. 4 or 5 miles, when we bore away W. $\frac{1}{2}^{\circ}$ S. for the farthest land that could be seen to be connected with the main. On the east side of Table Cape the coast runs nearly south 2 or 3 miles, into a small cove with a sandy beach at the head of it, where there appeared to be shelter from westerly or southerly winds. From the outer head of this small cove the coast runs a little farther to the southward, and then curves to E.S.E. and E. b. S., which is the general trending past the round hill and the high head near it. The land near the coast is moderately high and regular, but the blue tops of the island mountains show over the coast range here and there. At S. 16° E. from the cape there is a remarkable peaked hill, 4 or 5 leagues inland, which was Off Table Cape.
Appearance of the coast

1798 part of the bay from. We anchored on the lee side of the island in six and a half fathoms, and went on shore upon it with the theodolite. Its length is not more than a quarter of a mile S.E. and N.W. It is frequented by gulls, who lay their eggs here; and it had also been frequented by men but a few months back, there being several fire-places with numbers of large ear-shells about them. Finding several dark holes in the cliffs, I called this the Isle of Caves. In the afternoon we weighed and steered for a smooth beautiful-looking island up the opening, which bore from E. 5° 30' to 10° 40' S. from the Isle of Caves, and measured another base in the same manner as before. Their distance asunder is five miles and three quarters.

Laying
down a base-
line.

An island. On landing upon this smooth island in the evening we did not find the goodness of its soil equal to its appearance; it would, however, make a fine large garden, there being more than a hundred acres of cultivable ground upon it.

December 16th, Sunday.—In the morning I again landed to take bearings from another part of the island, after which we weighed and ran to the south side of a point which lays one mile and a half to the south-eastward, the wind fresh from the northward. From a hill that stands a little within this point I had a good view of the form of the bay in its neighbourhood.

Gull Island. Monday, 17th.—In the evening we ran round to the north side of the point, there being every appearance of a southerly gale coming on, but it continued moderate, and in the morning we landed upon the islet called Gull Island in the chart. The soil of this island is a mixture of vegetable earth and sand, and it is clothed with trees and brush. We found a good many gulls on the west point of it, and shot several, which were not thought bad eating when in addition to a short allowance.

**Exploring
the N.E.
arm.** The wind blew too strong from the westward to move the sloop, and therefore we spent the afternoon in examining a small arm to the N.E. of Gull Island in the boat. We took no lead or line, our progress being too slow and difficult to admit of the delay of sounding, but there appeared to [be] water enough for the sloop to some distance up. A small stream of fresh water runs over the stones into the head of this small branch, but the shallowness of the water in this part would render it very inconvenient to fill casks here. The country all round was miserable and barren.

**A "com-
promise."** Tuesday, 18th.—The strength of the wind at sunset made it necessary to drop the sheet-anchor under foot, but it was moderate on Tuesday morning. We then made an attempt to turn up to the weather shore, but towards the evening found it most convenient to compromise the matter by anchoring on the south side of the bay, under the lee of a cliffy head which projected to the northward.

From noon we steered N.N.W. to weather the northernmost land, but after 3 o'clock the sloop seemed to be set astern, although going a knot and a half through the water. This circumstance attracted our attention a good deal, for we had observed very little tide any way before this morning. Seeing the water discoloured, we sounded and got ground with 17 and afterwards with 15 fathoms, being then about 3 leagues to the eastward of the Sugarloaf Hummock.

1798
The tide.

At 7 in the evening the weather was clearer, and gave us a last view of Table Cape, bearing S. $53\frac{1}{2}^{\circ}$ E. at the distance of 12 or 13 leagues. The extreme on the other side bore N. 58° W. about 3 leagues, a little beyond the outer hummock. The land to the southward of us was still indistinct, and could only be seen at unequal intervals, but it appeared to run all along to the back of the land with the three hummocks upon it. There was, however, a steep head bearing S. 60° W., which had every appearance of being the north head of an opening. In a line with this head were some low black rocks nearer to us than the head. During the night the wind got round to the north, and at 4 in the morning fell calm.

Table Cape.

December 7th.—At daylight we found ourselves a little to the eastward of our situation on the preceding evening. The observed latitude at noon was $40^{\circ} 28'$, and the longitude, corrected by the bearings along the coast, $145^{\circ} 38'$. The outer hummock bore W. 1° N., and the southern one, or Sugarloaf, S. 67° W. 3 or 4 leagues.

Latitude and
longitude.

The thermometer was at 70° at noon during last three days. Towards this evening a spurt of wind arose from the S.W., but it soon died away, and the weather continued nearly calm all night. Our last bearing of the outer hummock in the evening was S. 38° W. 8 or 9 miles, and was within a few degrees of being the extreme land in sight.

The weather.

December 8th.—At 7 o'clock on Saturday morning it bore S. $19\frac{1}{2}^{\circ}$ W. in a line with the Sugarloaf, and our distance off shore was about 5 miles. The middle hummock lay a little to the eastward of the line, and is the smallest of the three.

At this time the wind had freshened up from S.W.; the swell began to rise, and there was every appearance of an approaching gale. In this situation, I considered whether it would not be best to stand to the northward, and go into Western Port, agreeable to my orders, for it was evident that we could make no progress to the westward, and might probably be driven back; but in opposition to this, it appeared to me too dangerous a risk to make an unknown coast in thick weather with the wind nearly dead on; for to have been certain of getting into Western Port, we must have made the land on the west side of it, its situation having been only ascertained by Mr. Bass's run from Wilson's Promontory in a

A gale approaching.

Western
Port.

1798 of the lagoon next morning was principally with the hope of finding a passage by it into the river, but it was without success, nor was there any fresh water to be met with. There were some flights of ducks, but we could not shoot any.

Bass
proceeds up
the
Derwent.

Betsey's
Island.

Friday, 21st.—We were under weigh with the sloop at noon and crawling a little to the southward with light westerly airs. At 4 o'clock a variable breeze sprung up from the N.E. ward, upon which I left the sloop for Mr. Bass to proceed with into the Derwent, and went away in the boat to Betsey's Island to get bearings. This island lays between the entrance of the river and the passage into the upper part of Frederick Henry Bay, and is a mile off the beach of what Mr. Hayes has called Speak's Bay; though, if it deserves a name, perhaps No-man's Bay would be the most applicable to it. The length of the island is more than a mile S.E. b. S. and N.W. b. N. It is high and so steep that I was unable to land till after coasting half-round it, and it was then necessary to make good use of my hands in ascending the mount to ensure safety. It is thickly clothed with trees and luxuriant grass, upon which no animal appeared to feed, and the prospect from it is extensive and grand. The natives visit it; but I found no recent marks of their fires.

Anchored in
the mouth
of the
Derwent.

At 8 o'clock I joined the sloop off the west point of Speak's Bay. The wind had shifted round to the southward, and there were great doubts of her weathering the rocks that lay off the point. I therefore went to sound within them, and found 3 fathoms amongst the seaweed; but she fetched round with the assistance of the sweeps, and we soon after anchored in 9 fathoms in the mouth of the river, it being then calm. Mr. Bass informed me that he had passed two flat rocks laying nearly halfway over from the beach of Speak's Bay to Betsey Island and through a great deal of seaweed, but never had less than 5 fathoms of water.

Slow
progress.

Saturday, 22nd.—At midnight a light air from the southward induced us to weigh, but we had not advanced a quarter of a mile before a want of wind made it necessary to anchor again. At 7 in the morning we made another trial, but with no more success. Mr. Bass and myself then went ashore abreast of the sloop upon our several pursuits. A little before noon we returned on board and got under weigh to turn upwards, finding there was a little tide in our favour, the wind moderate from the northward. We had advanced about 3 miles when the wind died away, and the tide was then draining downwards; we therefore anchored again, and went on shore as before. This was a large beach, hollowing back into the land, which I had hitherto taken to be Ralph's Bay.

Sunday, 23rd.—The wind being fresh from the northward in the morning, and the tide running down, we did not attempt to turn upwards, but stood over to the west side of the river and anchored

out to a rocky point which lays about S.S.W. 4 or 5 miles from the N.W. point. The shore is low and rocky, and equally barren as that we had anchored under. Having satisfied ourselves that the land of the Three Hummocks was certainly divided from the land to the westward, and by a channel of 3 miles in width, a difficulty recurred which we could not solve—the natives had been upon it, and yet we were tolerably certain that at Port Dalrymple they had no canoes, and by analogy, none here; but it did not appear probable that the island could be visited without. This is a dilemma which I am obliged to leave as I find it. From the low north point of the western land the coast lays S. 15° E., forming the west side of the channel, and rises in height to the southward, where it appears to be steep. On the other side of the rocky north point a projection opened at S. 20° W. at the distance of 6 or 7 miles, the shore between them falling back into two shallow bights, with sandy beaches. The land is low, and apparently as barren as Three Hummock Island, to which the vegetation bears a good deal of resemblance. Having a fresh breeze, we passed the north point of this land at half-past 10 and steered for a small but high and rocky island the south end of which bears W. 2° S. from the point, their distance asunder being about 8 miles. We passed some heavy breakers, which lay near 2 miles to the west and are independent of the point, and a little before noon hove too off the N.E. end of the island; got the boat out, and Mr. Bass pushed off for the shore to see what was to be procured. Whilst busy in getting out the boat the ebb-tide had imperceptibly drifted us near the shore, and the sloop's head being to the southward and wearing but slowly, she was not more than her length off the breakers when we got her round and made a stretch to the northward.

1798

The natives.

Appearance
of the
country.Base lands in
search of
food.

The island is nearly a mile in length, very steep and rocky, and seemed to be almost covered with birds, for there were white patches which we took to be of them some acres in extent. At noon the island bore from S. 70° E. in a line with the sugar-loafed hummock to S.S.E., distant one mile and a quarter, and by the observation the centre of it is in 40° 25' south; the computed longitude of it is 145° 4' east. To the northward I could see no land, but to the southward there were several rocks and islands, and a black lump of a rock, somewhat pyramidal, 5 or 6 leagues to the south-westward. Although we kept to the wind off and on the island whilst waiting for the boat, yet the tide had drifted us considerably to leeward before she got on board, and when we had unloaded her of the seals and albatrosses, and gotten the boat in and stowed, the island which [I] call Albatross Island bore N. 77° E. 5 or 6 miles.* It was then half-past 2 o'clock, and a steep rocky

Albatross
Island.Seals and
albatrosses.

* Bass, on landing, had to fight his way up the cliffs with the seals, and afterwards to make a road through the albatrosses, which were sitting upon their nests and almost covered the surface of the island.—Flinders's "Terra Australis," vol. 1, p. clxxil.

1798 Wednesday, 26th.—Having taken bearings to intersect those from Mount Direction, we weighed at 8 o'clock, with the intention of running up towards the head of the river, into the fresh water, but had not proceeded far before the shoalness of the water obliged us to anchor, neither could I find that there was any channel deep enough for the sloop, altho' the river was still half a mile wide. We were now cut off from our principal dependence for fresh water, which our expiring twelve weeks, the light trim of the sloop, and indeed almost immediate necessity, made a primary object of pursuit; I therefore went with the boat into the cove we had just left to search for fresh water, and on the making of the ebb the sloop followed and anchored in the mouth of it.

Herdsmen's
Cove.

This place I called Herdsman's Cove, from the capability of the neighbouring country to support large herds of cattle. There are two small streams that fall into it; the southernmost leads to a swamp, into which we got the boat, being near high water, but could not anywhere find it fresh enough to drink. That which comes into the N.E. corner of the cove is much larger and deeper, but we rowed nearly 2 miles up it before the water became fresh. This was at the head, where it drains in amongst the stones, and was very inconvenient to fill casks at. There are 2 or 3 fathoms up to near the head of this creek, but it was with a good deal of difficulty, and not till the afternoon, that we could find the narrow channel leading into it. Except this channel, the cove itself is mostly dry at low water, the bottom being soft mud covered with slimy grass of some feet in length, upon which the swans feed. Towards evening the wind blew strong from the S.E., with thick rainy weather (Thursday, 27th), which continued all the next day, so as to prevent us from moving either with the sloop or boat. The intricacy of the channel into this creek, and the delay that might arise from a southerly or westerly wind setting in, deterred me from going up it to fill water. The banks of the creek are in general so very high that even a light breeze would be so much increased as to prevent us from getting out whilst the wind blew upon it. I therefore thought it best, after giving one day to an excursion up the river in the boat, to go down to Risdon Cove, where we were certain of getting water, though it might be with a good deal of difficulty.

An
excursion
up the
Derwent.

Friday, 28th.—On Friday morning the weather was fine, and a light breeze blowing from the S.W., we took an early breakfast and set off upon our excursion.

In the corner of the turning to the south-westward we expected to find the Saunders River of Mr. Hayes, but could not perceive any opening or stream whatever. The water being very shoal there, and the place out of our way, we did not go up into [the]

ward, keeping under the lee of the land, for the wind now blew a gale at E.N.E. and very hard in puffs. At the end of these cliffs the land seemed to fall back into a sandy bay, and then to project out to the south-westward, the extreme bearing nearly south, a little before dark, between 2 and 3 leagues distant. The night was very dark and tempestuous. We continued to stand backwards and forwards, and to lay to occasionally, as the wind would allow, keeping as much under the land as we could. 1798
A gale from
the E.N.E.

December 10th.—At 8 in the morning the land appeared indistinctly through the haze, and the wind being at N.E., and a little moderated, we then made some sail upon the vessel and stood in shore on the larboard tack. Before 10 the head which had been set at south on the preceding evening was in sight, bearing N. 37° E. 2 or 3 leagues, but there was low land running without it as far as N. 30° E.

The wind had become quite moderate at noon, but the weather remained dull and cloudy. We, however, got an altitude of the sun which gave the latitude 41° 13' 46" south, being fourteen more than could be made by the dead reckoning. Our longitude, corrected by the land, was 144° 58' east, the low land at the north extreme bearing N. 16° W. 3 leagues. The shore from thence is low and mostly sandy, but rises inland to a moderate height, and is covered with wood. There was a mount* bearing S. 58° E., which appeared to be the northernmost of a range of high hills running parallel with the coast. The southern extreme of the land bore S. 28° E., and abreast of us was distant about 3 miles, but there are several rocks and breakers laying a mile or two off the shore, some of which were not more than 1 mile distant. We steered S. b. E. till near 6 o'clock, with a breeze from N.N.E., and had then run 5 leagues along the same kind of shore as before described. The wind beginning to shift round to the westward, we hauled off a little, and at 7 kept close to the wind on the larboard tack, but the great head swell prevented us from making much way off the coast. The last bearings of the land this evening were as follows:—A low rocky projection, with sandhills on the south side of it, N. 17° E. 4 or 5 miles; the northernmost mount of the high hills inland N. 46° E.; the highest part of some mountainous land to the southward, unconnected with the northern range, S. 52° E.; and the extreme of the shore, indistinctly seen through the haze, bore about S.E. b. S. The wind
and weather.

Steering
south.

Bearings of
the land.

December 11th.—We kept to the wind off and on till 4 o'clock in the morning, and then steered N.E. till near 5, when I set the same low rocky projection as seen last night at N. 17° W. 2 or 3 leagues, and the north mount at N. 22° E. Nearly the same kind of waving shore continued on the south side of the low projection as on the north side, sandy beaches and low stony heads presenting themselves alternately. Some sharp-pointed rocks at Appearance
of the coast.

* Called by Flinders "Mount Norfolk."

1790 according to the situation of Penguin Island by Lieut. Bligh in 1788. The meridians upon the chart are moved $1\frac{1}{2}$ ' more westerly on account of a before-mentioned difference of 5' in the reckoning on making the S.W. Cape.

Sail for Port Jackson.

Thursday, 3rd.—Early on Thursday morning we sailed from Pruen Cove for Port Jackson, it being then the fourth day after the expiration of our limited twelve weeks. It was not without regret that I was obliged to leave this interesting part of Van Diemen's Land so imperfectly examined. Of the Storm Bay Passage we saw nothing except the northern entrance, and the western part of Adventure Bay Island, which Mr. Bass was so anxious to visit, was not landed upon. It would have been worth some trouble to ascertain whether the hogs and goats which the philanthropy of navigators has placed here are yet remaining. We weighed with a variable wind, which afterwards settled at N.W., and having turned out of the Storm Bay Passage, hoisted in our boat and stood over to Quoin Island, intending to keep close round the south end of what has hitherto been called the Maria Islands, tho' why Tasman called this body of land islands, or whether this is certainly the same that he so named, I cannot tell, not having his Voyage.

Off Tasman Peninsula.

Quoin Island.

At noon the high mountain* on the west side of the Derwent bore N. 52° W. This mountain, by being visible at almost every station, was very serviceable in connecting the different parts of the bay and river together. Quoin Island at the same time bore S. 74° E. 2 leagues. The western part of Quoin Island is steep cliffs, and by sloping down gradually to its eastern side it presents the form of a quoin when seen from the southward. It appeared to be not more than a mile distant from the main, but on the north side of the point, which is nearest to the island, the shore falls back to a much greater distance into a large bay, which we could not distinctly see round, but I judge there is no shelter in it from westerly winds.

Cape Pillar.

Cape Raoul.

There are two distinct projections of land at the south end of the supposed Maria Islands; the outer one has long been called Cape Pillar—most probably from the basaltic pillars or columns which its steep cliffs almost everywhere present. The extreme part of the inner projection lays W. b. S. from Cape Pillar, and by our run their distance asunder is 10 or 11 miles. It is equally basaltic with the cape, and has several single columns, much resembling tall chimnies, at the extremity of the point. I have called it Cape Basaltes.† The cliffs are very high, steep, and romantic, particularly on the west side of it. Between the two capes the land falls back and forms a deep bay. How it appeared

* Doubtless Mount Wellington.

† This cape, which Flinders named Cape Basaltes, is the Cape Raoul of D'Entrecasteaux.

nearly a mile from the shore, and was seen when 4 leagues distant, although the weather was still hazy.* 1798

December 12th.—At daybreak the pyramid and low cape were again in sight, and at 5 o'clock the former bore N. 27° E. over the cape, appearing like the crown of a hat, and not near so pointed as when seen to the S.E. The cape was not more than 3 miles distant, and the land running 3 or 4 miles to the eastward from its extreme forms a hollow by then turning to its usual course. The wind being moderate at W. b. N., we steered S.E. for some high rocks, 3 or 4 leagues distant, that lay off a steep head, behind which there was some prospect of meeting with an opening. The shore contiguous to this run is moderately high, and has a better appearance than on the north side of Low Cape, for it is tolerably well-wooded. Steering south.

From 7 to 10 o'clock we steered S.S.E., keeping about 4 miles from the shore. The high rocks then bore N. 6° W. 11 miles, and the extremity of a low rocky point† E. 10° S. 5 miles. From this rocky point the land runs back to the eastward 6 or 7 miles to the foot of some high and very barren mountains, and then resumes its old course. In this bight a smoke arose, which was the second we had seen on this coast. At noon Rocky Point bore N. 8° W., or true north 6 miles; and the observed latitude was 43° 7' south, which is eleven more than the log gave. Some observations of the sun west of the moon place this point in 145° 24' east, being corrected by the observations in Port Dairymple; but I have placed it in 145° 41' in the chart, according to the corrected dead reckoning, which afterwards gave the situation of the S.W. Cape only 5' of longitude different from what Captain Cook lays it down. Two round hills on the extremity of a point bearing S. 64° E. 5 leagues was the farthest land we could well define; at 4 o'clock the hills bore N. 55° E. 5 or 6 miles, when the latitude by the meridional altitude of the moon was 43° 18' 40" south. The point upon which these hills stand was afterwards named Point St. Vincent, by Governor Hunter; round it there was the appearance of a considerable opening, and the space that there seemed to be between the mountains partly corroborated the conjecture. The mountains which presented themselves to our view in this situation, both close to the shore and inland, were amongst the most stupendous works of Nature I ever beheld, and, at the same time, are the most dismal and barren that can be imagined.‡ The eye ranges over these peaks and variously-formed lumps of adamantine rock with astonishment and horror; had the thermometer been 30° or 40° lower, and our distance from Rocky Point.
Longitude.
Point St. Vincent.
Remarkable mountains.

* During this day's run Flinders passed, unobserved, the entrance to Macquarie Harbour.

† Named by Flinders "Rocky Point."

‡ These are now known as the De Witt Range. The highest point was called by Flinders "De Witt Mount," under the impression that the peaks were the De Witt Isles of Tasman.—Flinders's "Terra Australis," vol. i, p. clixvii.

1799 or 7 miles. The island, which appeared to lay about 3 miles to the southward of it, I could not get bearings of. The northernmost land, which makes like hummocks and broad-based peaks, bore N. 2°, and then to 13° W.

Oyster Bay. It is to be observed that at the time we were off these islands I had not Mr. Cox's plan of Oyster Bay in the sloop, or did I recollect its situation; but by our latitude this day at noon, and the relative situation of Cape Pillar, there can be no doubt that what appeared to us to be two islands is the one in which is Oyster Bay. The Cockscomb Head is his Mistaken Cape; but we saw nothing of the small island which is laid down off it.

Sailing northward. The greatest part of this afternoon we kept beating up against a fresh westerly wind. At 7 o'clock it came more to the southward in a strong squall, accompanied with heavy rain, which, however, soon blew over, and was succeeded by a fine night. We therefore made all sail to the northward, and about 11 o'clock passed the northernmost island we had seen. Mr. Bass, who had the watch, judged them to be one mile and a half apart. These are connected with the line of the main coast in Mr. Cox's plan, and by the soundings marked there he was much nearer than we were in the sloop, therefore it may be so, but there was no appearance of such connexion, or did we suspect it.

Land passed in the night. Saturday, 5th.—At 5 a.m. the wind became light and variable from the west. We kept making nearly a north course till noon, the land being in sight at 4 or 5 leagues distant. The observed latitude was then 41° 27' 32" south, being 27' to the northward of account. There was land like islands in sight to the southward, which we had hitherto taken for those passed last night, but the latitude shews that they must be to the northward of those. Most probably they were the northernmost of Schouten's Islands. The land abreast was moderately high, of irregular ranges of tolerably well-wooded hills. A peak near the shore bore S. 50° W. 5 or 6 leagues.

A head wind. Sunday, 6th.—Towards evening the wind freshened from the north-westward, and continued till late next morning. At noon the observed latitude was 40° 45' 23", the longitude 149° 5' east. The wind being at north, we stood in shore till 9 in the evening.

Cape Barren Island. Monday, 7th.—It was then variable till next noon, with thick misty weather. Our observed latitude then was 40° 24' 44" south, and the high land of Cape Barren Island made an indistinct appearance through the haze at S.W. b. W. $\frac{1}{2}$ W., being not more than 5 or 6 miles distant. The wind was easterly, and we stood along the north side of Cape Barren Island, intending to go through the passage between it and the large island which

Soon after 10 we hauled up to examine an opening about 3 leagues from the S.W. Cape. It proved to be only a small shallow bay, with a sandy beach at the head of it, and is open to southerly winds, but there are two clusters of rocks in the mouth of it, which would break off a good deal of sea, perhaps sufficiently so for a ship to find shelter in the bay. At noon we hove to off the southernmost cluster of these rocks, to take the angles that the islands, rocks, and other conspicuous objects made with the steep head, which bore from us N. 75° E. The distance afterwards run to it was 11 miles. I observed the sun's meridional altitude from the south, which gave the latitude 43° 27' 38" south, according to which the S.W. Cape would be in 43° 29' south. This latitude is something more than that given by our log from the time of the observation by the moon yesterday, but it is less than that of both Captn. Furneaux and Captn. Cook, the first of whom makes it in 43° 39', and the latter in 43° 37' south. From the greatness of these authorities, I conjecture that from haste to get the angles before our position was materially altered a mistake of 10' must have been made in reckoning off the altitude from the sextant, and I have therefore placed the Cape in 43° 39' 0" in the chart.

1798

Latitude of
the South-
West Cape.

Every navigator that has hitherto passed along this coast, as far as my knowledge extends, has kept to the southward of the islands, and those who have made sketches or charts have usually left unfinished places where it was supposed there might be good harbours or bays. In order to ascertain this point we steered within the body of the islands, and from within one and a half to four miles of the main. I am tolerably certain we saw the head of every bay and bight, and also that they are nearly as marked in the charts. With respect to relative position, some allowance must be made for the rapidity with which we passed along, and the tides that might render a dead reckoning more erroneous than would be perceptible by the land. Here I again lamented the want of a timekeeper. Indeed this deficiency was a continual source of regret, and has been already mentioned more than once, but it ought to be kept constantly in mind, that more confidence may not be placed in the chart than it deserves.

Examining
the shore.

At 2 o'clock we passed close to the westernmost of De Witt's Isles. This island appears to be higher and larger than any of the cluster, being near 2 miles in length, and it is very barren. It had lately been burnt, which was a circumstance that a good deal surprised us. We examined the rocks very carefully for seals, but did not see one there, or even in the water, during any part of the day.

De Witt
Isles.

At half-past 5 we approached very near to a head equally steep with those to the westward, but differing in this—that it was basaltic, and somewhat lower than those. This had hitherto been

1790 steered N.E. b. N., which I judged to be fully sufficient to clear Cape Howe.

The
Australian
coast.

Wednesday, 9th.—At 8 o'clock in the morning, to our surprise, the land appeared through the thick haze at N.E. b. E., and lower land and sandhills from thence to the lee beam, not more than 6 or 7 miles distant. We hauled up as close to the wind as possible immediately, and set as much sail as the sloop could possibly bear. From the appearance of the land we judged it to be about the Ram Head, but our log did not give so far to the northward by 20 miles. At 10 the thick rainy weather hid the land, nor did we see it till Friday, the 11th, when the wind being moderate, and the haze cleared away, we saw Hat Hill at 1 o'clock, and next morning (Saturday, 12th) made the harbour of Port Jackson, and laid the sloop alongside of his Majesty's ship *Reliance*.

Bass Strait
named by
Hunter.

The voyage being now completed, it may not be amiss to take some further notice of the straits, which was the principal object of it; and it ought to be first observed that his Excellency the Governor named it Bass's Strait, after my worthy friend and companion, as a just tribute to the extreme dangers and fatigues he had undergone in first entering it in the whaleboat. The south-westerly swell which rolled in upon the shores of Western Port and its neighbourhood sufficiently indicated to the penetrating Bass that he was exposed to the Southern Indian Ocean. This opinion, which he constantly asserted, was the principal cause of my services being offered to the Governor to ascertain the certainty of it, and it was with great satisfaction that I was able to associate him in the expedition.

Set of the
tides.

It has been observed that the tides had very little influence upon the sloop from Isle Waterhouse till we came to Circular Head. Let a line be drawn from one to the other, and it will be the southern extent of the general set of them. Past Wilson's Promontory it runs with great strength both ways, but the flood will sweep along the beach from Cape Howe and leave the bights on the west side of the promontory to be filled up by eddies and dead water. On the ebb it will be reversed, and there will be little or no tide along the great beach. Corner Inlet will be left in an eddy in both cases, whence the time of high water is an hour later there than at Sealers' Cove.

Advantages
of the
discovery.

Let us also take a short view of the advantages which the discovery of this strait seems to present. The most prominent one is that of expediting the passage from the Cape of Good Hope to Port Jackson, for, altho' a line drawn from the Cape to 44° of south latitude and to the longitude of the South Cape of Van Diemen's Land will not sensibly differ from one drawn to the

2 or 3 leagues. Courts Isles lay W. $\frac{1}{2}$ N. from the southernmost of the Friars, and between them there is a deep bight, the head of which I set at N.N.W., when the inner part of Tasman's Head was in the same bearing. There is some vegetation upon three of the Friars, and we observed that the largest of them had been lately burnt. The two easternmost are mere black rocks. One of them is in a pyramidal form, and, I suppose, it was from the appearance of these two in particular that Captn. Furneaux gave them their present name. They extend about one mile and a quarter from the head, and are frequented by many gannets. 1798
The Friars.

About one mile N.E. of these rocks we saw broken water, which might have been upon a reef, or perhaps was only the effect of a tide. A small reef is marked in the chart, that those who follow may be on their guard. A reef.

By our azimuth compass the Fluted Cape opened round Tasman's Head at N. b. E. $\frac{1}{4}$ E., and Cape Frederick Henry round Fluted Cape at N. $\frac{1}{2}$ E.

Not being able to get into Adventure Bay, we edged away round Cape Frederick Henry, to try if we could not get into the Derwent River. Steering for
the Derwent.

At noon the wind was more moderate, with fine weather. The north end of the Island of Adventure bore N. 68° W., and the other point of the entrance up the Derwent N. 40° W. about 6 miles; the observed latitude was $43^{\circ} 8' 16''$ south.

Finding we could not gain the mouth of the river after turning some hours, the sloop being now light and leewardly, we bore away up what Captn. Bligh called Providence Sound in 1791, and which Mr. Hayes has since named Henshaw Bay; but as I apprehend this is the place that Tasman called Frederick Henry or Hendrick's Bay more than a century ago, I have prefixed that name to it in the chart.* At half-past 6 we anchored in $10\frac{1}{2}$ fathoms upon a sandy bottom, about one mile and a half from the weather shore, and exposed to a southerly sea, Cape Frederick Henry bearing S. 9° W., and the opposite side of the entrance S. 25° E. There is a long sandy beach at what appeared to be the head of the bay, but to the eastward of us there seemed to be an opening, where we hoped to find good shelter, as well as a field for further researches. The country had a pleasant appearance, particularly a sloping piece of land on the south side of the opening. This we afterwards found to be an island of between one and two miles in length, and is distinguished by the name of Sloping Island. Frederick
Henry Bay.

Sloping
Island.

Saturday, 15th.—In the morning the wind was moderate from the N.W. We weighed at half-past 10, and ran over to a small island bearing N. 33° E., and having observed there was no tide running any way, we weighed the distance by a constant log, and found it to be 3.41 miles, which served as a base to lay down this

* This bay is still known as Frederick Henry Bay.

1798-9 OBSERVATIONS for the Latitude, Longitude, and Variation, taken in the Norfolk, sloop, on her expedition round Van Diemen's Land :—

Nautical observations.

Time.	Place of Observation.	Latitude. South.	Longitude East.	Variation. East.
1798.		" " "	" " "	" " "
11 Oct. ..	Sung Cove, Twofold Bay	37 4 25	150 12 43	10 13 45
4 Feb. ..	Cape Howe S. b. W. 6 miles	37 30 53	.....	.....
16 Oct. ..	At sea	38 23 44	149 29 22	9 54 0
17 „ ..	Kent's Group, soon after S. 50° W. 22'	39 27 07	.....	.....
18 „ ..	Mount Chapelle N. 71° E. 10 or 12 miles	40 18 23	.....	.....
12 Feb. ..	Clarke's Island, South Point, N.W. $\frac{1}{2}$ W. 12'	40 25 3	.....	.....
18 „ ..	Clarke's Island, North Point	40 29 9	.....	.....
24 „ ..	On south end of Rum Island	40 28 20	.....	.....
26 Oct. ..	Cape Barren Peak N. 21° E. 2 $\frac{1}{2}$ miles	40 26 00	.....	.....
31 „ ..	Swan Isle S. 52° W. 7 miles	40 43 26	.....	.....
25 Feb. ..	Swan Isle, South end, W. 4° N. 5 miles	40 44 16	.....	.....
1 Nov. ..	Swan Isle, East, 4 $\frac{1}{2}$ .. ..	" " "	.....	.....
2 „ ..	Cape Portland W. 6° S. 3'	40 44 4	.....	.....
2 „ ..	Isle Waterhouse W. 6° N. 10'	40 43 45	.....	.....
3 „ ..	Low Head, Port Dalrymple, S. 30° W. 9'	41 3 13	146 27 40	8 11 & 76
22 „ ..	Three hummocks of land N.E. 3 leagues	40 4 0	.....	.....
4 Dec. ..	South Head of Point Dalrymple E. 19° S. 13'	41 4 4	.....	.....
5 „ ..	Table Cape W. 2° S. 3 leagues	40 56 17	.....	.....
6 „ ..	Circular Head S. 19 E. 7 miles	40 46 20	.....	.....
7 „ ..	Sugarloaf on Three Hummock Island, S. 75° W. 12'	40 31 3	.....	.....
9 „ ..	Albatross Island S. 42° E. 2 miles	40 25 12	.....	.....
10 „ ..	Northern Mount S. 41° E., lat. deduced	41 13 46	.....	.....
12 „ ..	Rocky Point North 2 leagues	43 1 2	145 24 16	.....
12 „ ..	Point St. Vincent N. 67° E. 5 or 6'	43 16 32	.....	.....
13 „ ..	South West Cape S. 78 W. 8 miles	43 29 20	.....	.....
	If this latitude is read off 10' wrong the latitude is	43 39 20	.....	.....
14 „ ..	Quoin Island, in Frederick Henry Bay, E. 4 S. 7'	43 8 46	.....	.....
18 „ ..	Woody Island do. do. East	41 1 28	.....	.....
19 „ ..	Green Head do. do. W. 10° S 3'	42 56 51	.....	.....
25 „ ..	Mount Direction S. 64° E. 1 $\frac{1}{2}$ mile	42 18 1	.....	.....
29 „ ..	On north side of Risdon Cove	42 43 12	.....	8 48 & 37
1799.				
1 Jan. ..	Entrance of Ralph's Bay, East	42 56 56	.....	.....
4 „ ..	North end of Oyster Bay Island N. 65° E. 3'	42 37 49	.....	.....
5 „ ..	Peak on east coast of Van Diemen's Land S. 59° W. 5 $\frac{1}{2}$ '	41 36 2	.....	.....
7 „ ..	Cape Barren W. b. S. $\frac{1}{2}$ S. 5 or 6 miles	40 26 20	148 56 50	.....
1798.				
9 Feb. ..	Northern Sister, N. 27° W. 14 $\frac{1}{2}$ miles	39 33 1	.....	.....
10 „ ..	Eastern Patriarch, W. $\frac{1}{2}$ N. 17 miles	40 1 40	.....	.....
22 Nov. ..	Cape Portland, East 2 miles	40 44 10	148 8 43	12 20 00

Our soundings, as well as the form of this extensive bay, will be best understood by consulting the sketch. 1798

From a head that lay three-quarters of a mile from our anchorage I took bearings of every remarkable object in sight, amongst which it was an agreeable surprize to see a new opening on the east side of the bay, at the back of a small woody island. It did not appear to be above half a mile wide, but the only land that could be seen through it was a hummock which was quite blue from its distance, and I then conjectured it might be one of the Maria Islands; but whether this opens into the ocean or is the mouth of a river, or whether there may be very low lands running across but a little way back, and thus be neither the one or the other, I cannot determine. About 8 o'clock I observed the meridional altitude of the moon abreast of the sloop by the artificial horizon, and found the latitude to be $43^{\circ} 1' 28''$. An apparent opening to the east.
The latitude.

Wednesday, 19th.—I went early on Wednesday morning to get bearings from the extremity of the nearest western head before we got under weigh. The wind was still at W.S.W., but the length of time it might take to turn back in the present light trim of the sloop deterred me from running for the new opening. Therefore, with the intention of returning to examine it if time and the winds should permit, we stood back out of this upper part of Frederick Henry Bay for the purpose of getting up the Derwent River, where there was little doubt of finding fresh water, as well as the most fertile country. The latter, as being Mr. Bass's pursuit, weighed with me, as well as the expectation of finding a field for my own. At noon I got an observation of the sun, which gives the latitude of Green Head $42^{\circ} 56\frac{1}{2}'$ south. It bore S. 72° W. two and a half miles, and is the north point of the great piece of land that divides the eastern part of Frederick Henry Bay from the common entrance into it and the Derwent, and makes the former a spacious and well-sheltered harbour. I called it Green Head from its appearance. At 8 in the evening we got to an anchor in $4\frac{1}{2}$ fathoms on the N.E. side of Sloping Island. Steering for the Derwent.
Green Head.

Thursday, 20th.—At daylight on Thursday morning continued our progress towards the Derwent, but a calm with thick rainy weather induced me to drop the anchor soon afterwards. At 10 o'clock a breeze sprung up from the southward. We weighed and attempted to turn to windward, but finding we were likely to have a long beat in the rain to little purpose we anchored abreast of a small beach on the west shore in two and three-quarters fathoms, the wind being about three points off the land. The rain abated in the evening, and permitted us to examine a sheet of water which had been observed over the beach from the masthead. There was a good deal of tide coming out of the narrow entrance; but the water is only of sufficient depth for boats. Our examination Rainy weather.
A lagoon.

1798

Apparently, Sir Joseph Banks, after perusing the journals, returned them to Hunter; for attached to the above letter is the following memorandum in Hunter's handwriting:—

17, Nottingham-place, 21st August, 1801.

Sir Joseph Banks to keep the journals.

Captain Hunter presents his respectfull compliments to Sir Jo. Banks, and returns the journal which he meant Sir Joseph should keep. The only way by which the truth of the remarks it contains can be ascertained will be by an examination of one of the journalists who is now with Capt. Hunter, and shall be sent to Sir Joseph at any time he will appoint. This young man went out with Capt. H. a boy, and one of his servants. As he grew up in that country and became pleased with traveling thro' the woods, he solicited permission to go upon the excursion then intended, and as he could write, he was instructed to enter in a paper the observations which their journey might suggest. He is an intelligent lad.

Collins's account.

Collins (vol. ii, pp. 87-91) gives a compressed account of the first journey; but the exact words of one of the original travellers, written, according to Hunter, at the time and apparently on the spot, are deemed to have sufficient value, to those who desire to trace the expansion of the settlement, to warrant their publication.

JOURNEY INTO THE INTERIOR OF THE COUNTRY NEW SOUTH WALES.

Mount Hunter to the Nepean.

January 24th, 1798.—Course, S.S.W. Left Mount Hunter for about 12 miles, till we fell in with the Nepean River, where the rocks run so steep it was with great difficulty we crost them; the rest of the ground run very scrubby. We saw nothing strange except a few rock kangaroos with long black brush tails, and two pheasants, which we could not get a shot at. Distance, 18 miles.

January 25th.—Course, S.S.W. The country runs very open; good black soil. We saw a great many kangaroos and emews, and we fell in with a party of natives which gave a very good account of the place we were in search of;* that there was a great deal of corn and potatoes, and that the people were very friendly. We

* *Note in the handwriting of Governor Hunter:—*This good account, which they say the natives gave them of the place they were in search of, alludes to a report which some artful villain in the colony had propagated amongst the Irish convicts lately arrived, "That there was a colony of white people at no very great distance in the back country—150 or 200 miles—where there was abundance of every sort of provision without the necessity of so much labour. The ignorance of those Irishmen endured several to make an attempt to reach this Paradise, and the consequence was that they perished in the woods, not being capable of finding their way back. This circumstance was fully related by me in a letter to the D. of Portland." See Hunter to Portland, 15th February, 1798.—Ante, pp. 360, 361.

close to the shore. I ascended the high land abreast of the sloop, and saw the head of Fairlie's Harbour on the other side. It appeared to be very shoal, but the ground round it good, and, from its situation immediately under the slope of the high mountain, there are probably several streams of fresh water running into it. 1798
Fairlie's
Harbour.

About the time that it began to get dark we were abreast of Risdon River, according to the situation of Mount Direction, and therefore anchored for the night, intending to enter it in the morning and take in fresh water, if any was to be found.

Monday, 24th.—Risdon River turned out in the morning to be a small cove which has a run of water into it in wet weather. The tide flows into it at other times, but at low water it is nearly dry. Not being able to go upwards with the sloop, the wind and tide being both against us, I ascended Mount Direction, from whence I could see into Frederick Henry Bay, and had a good view and bearings of the different points of the river as far down as Betsey's Island, and upwards till it turns to the south-westward, where I conjectured the Saunders River of Mr. Hayes emptied itself. View from
Mount
Direction.

Tuesday, 25th.—The following morning we made an attempt to go up the river, but, being likely to lose ground, anchored in 8 fathoms on the west side, abreast of a small inlet dignified with the name of Prince of Wales's Bay. Whether there is water enough for a vessel to go into it I cannot say; but seeing no swans there, I took the boat round to the place where Duke's River is marked in the chart. Mr. Bass had had a search on shore for this river the preceding evening, but could find nothing more than a drain, and that a small one, issuing from a swamp. I was still more unsuccessful in that pursuit, but I brought three swans on board soon after 8 o'clock. After landing Mr. Bass, I took the boat up the river above Mount Direction, and got bearings from several places on both sides. I observed the latitude to be $42^{\circ} 47' 23''$ south, on a point to the W.N.W. of the mound, and on the opposite side. We were obliged to give the point under Mount Direction a good berth, and could not anywhere find more than 2 fathoms off it. By keeping too near the point on the west side of the river where the observation for the latitude had been taken, the water shoaled and obliged us to let go the anchor in 9 feet. We sounded in the boat for the deep water and weighed, but touched the ground just off the point, altho' the previous cast had been 7 fathoms. The bottom being soft mud and the tide rising, she went over without any injury, and we proceeded upwards till it began to be dark, and then anchored in the mouth of a cove that had particularly attracted my notice at the top of Mount Direction, from the beauty of the surrounding country and the great number of swans I observed in it. Prince of
Wales's
Bay.

Shoal water.

1798 supposed to be a river, which seemed to run N.W. from S.E. The land seemed very high to the southward, but still an open country. Distance, 20 miles.

Creeks and
rocky land.

January 29th.—Course, W.S.W. We steered our course for about 4 miles, but the country did not turn out to our expectation, for we here fell in with the heads of creeks which seemed to run towards the river which we saw from the hill before mentioned. The ground run rocky and scrubby, and we saw falls of water in the heads of the creeks—one about 40 feet high, and two more about 20 feet high. Here we altered our course to the north for about 12 miles, thinking to cut off the heads of the creeks, but we fell in with more, so we came to the resolution of steering our former course, W.S.W., but finding the country to run rocky and scrubby. Here we saw another sort of timber; the leaves are lighter than a powder blue; the tree is low, much like an apple-tree, the bark much like a mahogany. We here saw in the creeks many pheasants and rock kangaroos, likewise dung of animals as large as horse-dung, but could not see any of them. We had nothing to eat for two days but one rat about the size of a small kitten. I myself was very sick, and wished myself at home again; the other man was sick like me, for he had hurt his leg and was not able to walk. Wilson was well and hearty. Distance, 24 miles.

Trees and
animals.

Stopped by a
river.

January 30th.—Course, W.S.W. The country still rocky and scrubby. We fell in with the head of a river very near as large as the Hawkesbury River, which seemed to run from N.W. to S.E.* The banks were so steep we could not get down them. The other side seemed open, but the banks very steep. Wilson proposed making a canoe; but the other man and myself were so faint and tired, having nothing to eat but two small birds each, we were afraid to venture on the other side of the river, for fear we should not be able to procure anything to subsist on; likewise our shoes was gone and our feet were very much bruised with the rocks, so that we asked Wilson to return. Distance, 16 miles.

Meadow
land.

February 1st.—Course, S.E. b. E. About 7 miles walk we fell in with many meadows, with scarce any trees upon them for near 200 acres together; the hills also very thin of timber and very light; the ground good, except on the tops of the hills, which was stoney. We were very weak; we could not get anything to eat but a few small birds. We fell in with two birds which Wilson said he had never seen before in the country, and we was fortunate enough to shoot the cock and hen in one of the meadows. They appear to be something like a cockatoo, intermixed with a green, white, and lead colour, the cock with a scarlet head. Distance, 20 miles.

Fine open
country.

February 2nd.—Course, E.N.E. The country still runs very fine; full of large meadows and some thousands of acres of land without any timber upon it, except here and there one tree, and

* Collins (vol. II, p. 90) states that this river appeared to run from S.E. to N.W.

corner, and therefore I cannot assert that there is no stream, but certainly there can be none that ought to be called a river. From this corner the river runs S.S.W., contracting its banks to half its former size, and after a short distance the water becomes fresh. The land on both sides rises high at a very little distance from the water, and being a steep ascent and clothed with trees and verdure, has a beautiful and majestic appearance, particularly on the larboard shore.

1798

The banks clothed with verdure.

After rowing about 3 miles from the corner, deviating a point or two from S.S.W., the river turns sharp round to about W. $\frac{1}{2}$ N. for half a mile, preserving nearly the same width. The number of swans that we saw in this excursion by far exceeded the flocks in Port Dalrymple. We brought fifteen on board with us.

Flocks of swans.

Saturday, 29th.—There were some small coves on the western shore, which were examined for fresh water, but without success. At half-past 6 we got under weigh, and having a fair wind, traced the deep channel down with tolerable accuracy till we came abreast of Mount Direction Point, where there did not appear to be more than 9 or 10 feet in any part. Mr. Hayes marks one fathom here, but seems to have anchored above it in his ship. As soon as the anchor was dropped in Risdon Cove we went on shore to examine the run, and found that the late rain had thrown so much water in that we should be able to fill our casks near the mouth. The valley that it runs down extends some distance to the south-eastward, and is a very beautiful country, with a rich luxuriant soil.

Watering at Risdon Cove.

In the afternoon we got all the water-casks on shore, and in the evening some good observations gave the variation of the azimuth compass $8^{\circ} 28'$ east, and of the theodolite $9^{\circ} 15'$ east. A meridional altitude of the moon, taken early next morning, gave the latitude $42^{\circ} 48' 12''$ south.

Tuesday, January 1st, 1799.—Having light baffling airs and foul winds, we were no lower down the river on Tuesday at noon than the mouth of Ralph's Bay, opposite to which I observed the latitude to be $42^{\circ} 56' 56''$ S. At night the weather looked so wild and unsettled that I was afraid to anchor on either shore lest it should become a lee one; we therefore kept beating all night, the wind being in general strong from the S.E'ward.

1799

Ralph's Bay.

Wednesday, 2nd.—It was still foul in the morning, when, finding that we might be beating about for two or three days, and perhaps not get round Cape Pillar after all without a fair wind, we ran into the Storm Bay Passage, and about noon anchored in Port Pruen, in 4 fathoms. It is almost unnecessary to say that wood can be had in every part in great abundance. Every place that we found fresh water in has been noticed in the daily occurrences. The longitude marked in the sketch is

Port Pruen.

1798 **Arrive at the Nepean.** Saturday, 10th.—Course, S.S.W. Continued our journey, and made Nepean River about 9 o'clock, where we found a great fresh in the river, which took us best part of the day to get our things over. We left the river 4 o'clock, steered a little farther, and stopped all night. Distance, 4 miles.

The Cow-pastures. Sunday, 11th.—Course, S.W. b. S. We steered the above course 12 miles, when we fell in with the cattle, in a fine open country, having a pleasant sight of them. We counted 170, but was not able to make out how many calves. Wilson then altered his course to S. b. W., and walked about a mile, and fell in with the Nepean River; but finding so much fresh in the river, it was impossible for us to get over our things that night. Distance, 13 miles.

Swimming River. Monday, 12th.—Course, S.S.W. Hacking and Wilson swam over the river with their cloathes on the top of their heads to find the salt, and left me to take care of the provisions; walked about 5 miles, and fell in with the river again, and was obliged to swim over again, and then fell in with the salt. There is salt rock in great abundance, but it is intire mixed with a little sand. The vein of salt is about 8 foot thick. We were determined to come down the west side of the river again to Collins. In walking about a mile N.W. we fell in with another branch that came into the Nepean, where we found a much larger vein of salt. The vein was about 12 feet deep. The rocks of this river and the branch above mentioned is about a quarter of a mile perpendicular. We fell in with throe more deep clefts, which having reason to believe they run a great way to the westward, it was about 5 o'clock when we came back to Collins.

Rock-salt Tuesday, 13th.—Course, S.W. We had not walked above 4 or 5 miles before we fell in with a large creek that was impossible for any one to get over with a load at their back. Wilson informed us that there was many more, so we concluded that it was of no use for us to go any farther to the S.W., for we could not get much farther than where Wilson had been before, so we agreed to overall these dry creeks. Wilson and Hacking went; they left me to take care of the provisions. Wilson went up the creek and Hacking down, and discovered a much finer vaine of salt than he had seen before. Wilson saw nothing particular but one short rock kangaroo. Came back to Collins and stopped all night.

Stopped by a large creek. Wednesday, 14th.—Course, E. Having plenty of provisions, Wilson concluded to go to the eastward to see if he could get some skins of birds and animals. Collins went with him to keep him company, Hacking leaveing us to return to Sydney. Wilson asked me if I was willing to go to the S.W. part of the country for nine or ten days. I told him I was willing to go to any part he thought proper. Then we altered our course and steered S.W. We had

The party separate.

Travelling S.W.

to me will be best seen by the sketch. A ship that was taken with a southerly wind between these capes, and unable to clear either, need not yet give herself up. If the lump of land in the bay, which is probably an island, would not afford shelter, the head of the bay possibly might, and it may perhaps furnish a good harbour.* 1799

The wind continued to blow fresh from the N. W. when we passed the high steep island† that lays at a small distance off Cape Pillar, and when we attempted to haul up to the northward along the coast, the flurries of wind that rushed round the island and out from between it and the cape were of such strength as to make us put right before them till our distance was such that they mixed with the general breeze before they reached us. The height of the island is nearly the same as that of Cape Pillar, and it is equally steep and basaltic, so that those who have passed it at a considerable distance must have taken it for the cape. There are several columns upon the south part of it which stands single, and others that are in clusters. The very eastern extreme of Cape Pillar is a low point on which there are clusters of columns, decreasing in number towards the top, so as to form a near resemblance to a regular constructed tower, but this will not be visible at a greater distance than 3 or 4 miles, the top of it not being so high as the neighbouring cliffs. Tasman Island.

From the extreme of Cape Pillar a small clifly island opened at N. 4° E., and the first point of the coast at N. 7° W. about 5 miles. The point is steep itself, and has some high craggy rocks laying off it. At 8 in the evening the island off Cape Pillar bore S. 22° W. about 8 miles, and the small island N. 65° W. 3 miles. Some hummocks of land bore from N. 3° to 15° W., as near as their indistinct appearance and the motion of the sloop would allow me to set them. At 12 we tacked for two hours, supposing ourselves abreast of this land. Bearings of the land.

Friday, 4th.—At 4 in the morning, when it became light, the hummocks appeared to form two islands of moderate height. The extremes bore N. 28° and N. 73° W. about 3 leagues, and the island off Cape Pillar S. 15° W. More land like islands was also visible, bearing from N. 4° to 9° west. Appearance of the coast.

We tacked and stood in shore for the two islands, between 9 and 10 o'clock, on the shifting of the wind to N. by W. It brought thick rainy weather with it, but cleared up in time for us to observe the meridional altitude of the sun, which gave 42° 41' 37" south; the northern part of the island abreast of an indented head like a cock's comb bearing N. 74° W., the south end S. 72° W. 6 Maria Island.

* This conjecture of Flinders was correct: the opening between these two capes is now known as Port Arthur.

† Tasman Island, or The Pillar.

1798 some swampy meadows and two fine grass meadows with scarce a tree upon them; came to for the night. Distance, 8 miles.

Monday, 19th.—As soon as it was daylight we counted our biscuits and found we had thirty apiece; we allotted that two biscuits should be our day's allowance; we then started on our journey. We had not walked above 4 or 5 miles S.W. course before we fell in with a large creek where was many more. Here altered our course to S. to head the creeks. Walked about 9 miles, when we fell in with a fine run of water. Here we saw a great many ducks, but did not like to waste our powder and shot about them. Wilson saw a large green, yellow, and black snake; he directly run and caught it by the head, which made us an excellent dinner. We saw an exceeding high hill about 5 miles from us; we concluded to go and see how the country seemed to look towards the S.W. This hill bore S.E. b. S. from us. We walked about a mile when we came into a most beautiful country, being nothing but fine large meadows with ponds of water in them; fine green hills, but very thin of timber. We got to the top of this hill, where we had a most delightful prospect of the country, and in my opinion one of the finest in the known world. It certainly must be a pleasure to any man to view so fine a country. We found by altering our course as we did that we had mist all the creeks that we met with when we was going our S.W. course. We likewise saw to the S'd a most beautiful country, more particular to the S.E. It is not in my power to lay it down fine enough. To the E. it is mountainous, but fine green hills to the northward. We saw the mountains and Mount Wilson, for we brought it to bear due N. from us. We likewise saw to the W'd and S.W. a good level and low country; we perceived the river that Wilson and Price was at before, and all the creeks that we met with run into the river. Being satisfied from our view from off the hills, we gave it the name of Mount Pleasant, leaving it to your Excellency to name it as you think most proper. We fell in with the kangaroos, but could not get a shot at them, so we took our lodging for that night. Distance, 18 miles.

The course altered.

Fine open country.

Mount Pleasant.

No natives seen.

Tuesday, 20th.—Course, S.W. We had a fine open meadow country with fine green hills, but the forest ground is not so good as I could wish it to be, for the soil is a ruddy-yellow look and brushey. We have not seen a native since we left Sydney. We saw numbers of kangaroos, but never was so fortunate as to get a shot at any of them. We fell in with some creeks; they all seem to run to the river that Wilson was at before. Came to for the night. Distance, 22 miles.

Barren country.

Wednesday, 21st.—Course, S.W. Continued our course for about 2 or 3 miles, when we came into a scrubby, barren, stoney country, but good walking. Wilson shot a wood-duck. The

lays to the northward, and from thence to run along the west side of the latter, to examine the unexplored part of it. At 5 o'clock the weather was something clearer, and discovered to us a line of breakers about 2 miles to the northward, altho' we could not find the bottom with 17 fathoms. In an hour the water became discoloured, and we struck soundings in 3 fathoms, but thinking it might be only a bank, we stood on to pass round the sloping island that lays in the channel. The water, however, kept gradually shoaling, and more breakers appeared farther to the westward. The wind was right aft, and the sun being so nearly down that we should have but little time to turn back, even if it could be done at all, we continued steering before the light easterly breeze, hoping that there would be water enough for the sloop. When within 2 miles of the sloping island, there appeared to be almost a continued line of breakers from the north part of it, in a circular form, round to those we had first seen, and the water had now shoaled to 9 feet. Our situation at this time appeared to be somewhat critical—it was within an hour of being dark. All prospect of advancing was lost, and the wind directly opposed our retreat, and should it freshen, which was not improbable, from the unsettled state of the weather, there could be but little hopes of saving the sloop. In the act of wearing round to endeavour to beat out, the wind suddenly died away, and to our surprise sprang up from the opposite quarter. We made all sail back to the E.S.E. immediately, and at 11 could get no ground with 20 fathoms.

1799

Shallow water.

A critical situation.

A providential change of wind.

Tuesday, 8th.—At 2 in the morning we bore away for the islands* which lay off the Patriarch Hills, the wind being fresh from the S.S.E., and at 6 hove to off a cove in the northernmost of the two flat islets, where there was good landing. These two islets and the island have been described in the Journal of the schooner Francis, to which account our present visit has not enabled me to add anything worth notice.

Babel Isles.

We steered our course from thence for the two islands called, by Captain Furneaux, The Sisters. At noon the outer Sister bore N.W. distant 7 miles, from which our latitude was about $39^{\circ} 43'$ south, for the weather was too hazy to get an observation. A little before this time we had sounded and got ground with 12 fathoms upon a sandy bottom, the beach of the largest of Furneaux's Islands being 5 miles distant. From the Sisters I wished to have steered a true north course to the latitude 39° , to be fully certain whether any land existed in that situation, but the wind being very strong from the S.E'ward we kept a point to windward. At 8 o'clock we had run 51 miles from noon, without seeing any land. The weather, however, was so thick that it might have been within 10 miles of our track and yet not visible. We then

The Sisters.

Out of sight of land.

* Named by Flinders "Babel Isles."

1796 We came to a fine open meadow country ; but the skin of the pheasant and the strange bird was spoiled, for we had so much rain that it was impossible for to have saved them. Here we had a great deal of thunder and lightning. Part of the tail of the pheasant was saved by keeping it in bark of tree. Came to for the night. Distance, 18 miles.

Wednesday, 28th.—Course, E. The above course we had a most delightfull country—indeed, I am not able to lay down the situation of it. We saw hundreds of kangaroos ; one of them was shot by Collins, which still preserves our biscuits. The weather very dull, with frequent showers of rain. Came to for the night. Distance, 21 miles.

Thursday, 29th.—Course, E. We soon came to the top of a fine hill, were we found that we had kept the outside of the country, for to the E. and S.E. is a scrubby, stoney, and rocky country. We found in coming to this hill that we had crosst the head of a river that seems to run to the southward. We altered our course N. to come to the mountains. During our day's journey we saw some emews and many kangaroos ; one of the latter Wilson shot. The country still very fine till we came to the mountains ; stopped under them for the night. Distance, 19 miles.

Friday, 30th.—Course, N. b. E. In this course Wilson shot a pheasant ; the travelling much the same. As I have before mentioned, in going over the mountains the first time, miles we could not guess at.

Saturday, 31st.—Course, N. b. E. In this day's journey we were very fortunate, for we came along the top of hill all the day.

Sunday, April 1st.—Course, N. b. E. We kept the above course, in which Wilson shot another pheasant. We cleared the mountains and came on the Cow Pastures.

Monday, 2nd.—Saw the cattle about 4 miles nearer than we saw them the first time. Made the Nepean, and found a great fresh in it. Wilson saw numbers of ducks, some of which he shot, which made us an excellent supper, having eat two apiece. Crossed the Nepean, and set off by moonlight on purpose to save the ducks, and made Prospect about 4 o'clock on Tuesday, the 3rd.

Hundreds of kangaroos.

The course altered.

Arrive at the Cow-pastures.

Arrive at Prospect.

latitude of 40° to the same longitude, yet it will be allowed that a ship will be 4° nearer to Port Jackson in the latter situation than in the former. But there is, perhaps, a greater advantage to be gained by making a passage through the strait than the mere saving of 4° of latitude along the coast. The major part of those ships that have arrived at Port Jackson have met with N.E. winds on opening the sea round the South Cape and Cape Pillar, and have been so much retarded by them that a fourteen days' passage from thence to Port Jackson is reckoned to be a fair one, altho' the difference of latitude is but 10° ; and the most prevailing ones at the latter place are from S.E. to south in summer, and from W.S.W. to south in winter. If by going through Bass's Strait these N.E. winds can be avoided, which in many instances will most probably be the case, there is no doubt but a week or more will be gained by it; and the expence—the wear and tear of a ship—for even one week is an object to most owners, more especially if freighted with convicts.

1799
Prevailing winds.

Bass's Strait also presents another advantage. From the N.E. and easterly winds having been so often found to prevail off the South Cape many suppose that a passage may be made from thence to the westward, either to the Cape of Good Hope or to India, but the fear of the great unknown bight between the South Cape and the S.W. Cape of Lewen's Land, laying in about 35° south and 113° east, has hitherto prevented the trial from being made. Now, the strait takes away a part of this danger by presenting a certain place of retreat should a gale oppose itself to the ship in the first part of the essay; and should the wind come at S.W. she would fear making a good stretch to the W.N.W., which course, if made good, is within a few degrees of going clear of all. There is, besides, King George the 3rd Sound, discovered by Capt. Vancouver, situate in the latitude of $35^{\circ} 3'$ south and longitude $118^{\circ} 12'$ east; and it is to be hoped that a few years will disclose to us many others on the coast, as well as the verification or futility of the conjecture that a still larger than Bass's Strait dismembers New Holland.

A second advantage.

Track to the Cape or India.

To those who shall first pass through Bass's Strait it may be necessary to observe that the central and western parts of the strait are still unexplored, and that it is probable several islands yet unseen lay there, for it must not be supposed that none exist in all situations where none are marked; it is sufficient that none exist near the tracks, and that those which are laid down shall be found in the places they are marked on. Therefore, after seeing Albatross or Three Hummock Island—one or both of which every captain of a ship would, of course, make, unless with strong northerly winds—it would be imprudent to run in the night to the eastward of Furneaux's Islands.

The strait only partially explored.

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APPENDIX C.

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1798

AMONGST the collection of papers known as the "Brabourne Papers," originally in the possession of Sir Joseph Banks, a letter occurs from ex-Governor Hunter to Sir Joseph Banks, under date 29th July, 1801, forwarding the journals kept by a young man who on two occasions had been sent (with others) to explore the country west of the mountain range. The following is the text of Hunter's letter :—

Hunter
forwards
journals to
Banks.

No. 17, Nottingham-place,

Dear Sir,

29th July, 1801.

I have searched for and found the account of the journeys which were made into the interior of New South Wales by my direction, and I have considered it better for enabling you to form your own judgment to send you the journals which I had directed might be kept and marked daily in the language of those who kept them. I wish I had been fortunate enough to have had officers in the colony who would have volunteered such excursion, but sorry I am to say that too many of them were employed in a way less to the advantage of the public service. Old as I am, I was then both able and willing to make such journey, but I was too much annoyed with various matters of less real importance than such journeys, and the information they might have afforded were ; yet, had I continued for a year or two longer, I was determined to have attempted it at all risque.

Journals
kept by
Hunter's
order.

Exploration
under
Hunter.

You will discover that the course or direction by compass is marked on the beginning of each day, and the miles travelled during the day at the end. Altho' we may suppose both to be a little incorrect,* we are, notwithstanding, able to discover that they have been more than 100 miles to the S.W. or S.W. b. W., even if we deduct $\frac{1}{4}$ from the distance.

Yours faithfully, &c.,

Sir J. Banks, K.B.

JNO. HUNTER.

* Hunter was right in this conjecture ; it is almost impossible on any other supposition to follow their movements.

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hearkened to their advice ; we altered our course according to their directions. One of them promised that he would take us to a party of natives which had been there ; but he not coming according to his promise, we proceeded on our journey as he had directed us. In the course of this day we found a great deal of salt. Distance, 6 miles. 1798

January 26th.—Course, W.S.W. The ground run very rocky and brushey, so that we could scarce pass. We crossed one small river, the banks of which were so rocky and steep that we could scarce pass it. We saw no signs of any natives about it, but we saw several sorts of dung of different animals, one of which Wilson called a whom-batt, which is an animal about 20 inches high, with short legs and a thick body forwards, with a large head, round ears, and very small eyes ; is very fat, and has much the appearance of a badger. There is another animal which the natives call a cullawine, which much resembles the stoths in America. Here I shot a bird about the size of a pheasant, but the tail of it very much resembles a peacock, with two large long feathers, which are white, orange, and lead colour, and black at the ends ; its body betwixt a brown and green ; brown under his neck and black upon his head ; black legs and very long claws. Distance, 16 miles. Rough country. Animals and birds.

January 27th.—Course, W.S.W. The ground still runs very rocky and scrubby for about 6 miles, then we came to a fine open country, but very mountainous ; we crossed one small river, where we saw plenty of coal and limestone, and the banks of the river on the other side runs very steep, and a very high mountain, and within about 2 miles of the top runs very scrubby, intermixed with many vines, and particularly at the very top ; and on the other side we saw a very fine meadow flat country, with many kangaroos and emews. The timber runs very thick and short, and scarce ten trees on an acre. Distance, 16 miles. Coal and limestone. Fine meadow country.

January 28th.—Course, W.S.W. The land runs much the same, the timber thin, with a good many stringey-bark trees ; and a little further we saw a number of meadows and 100 acres of land without a tree upon it. Here we saw a party of natives. Wilson run and caught one of them, a girl, thinking to learn something from them, but her language was so different from that one which we had with us that we could not understand her. We kept her all night, but she cried and fretted so much that the next morning we gave her a tomahawk and sent her to the rest of the natives, which were covered with large skins, which reached down to their heels. Here we came to the top of a fine hill in the middle of the day, and took a view of the country. We saw nothing very promising. The land seemed open ; few trees. We saw to the southward a few high mountains, but good land towards them. To the westward we saw a brook down the country, which we Natives. Appearance of the country.

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some very large lakes of water some 3 miles long, but saw no birds of any kind about them. This day we had a view from a high hill, which made us better judges of the country, which was rocky and scrubby; 'twas clear and open land from S. to S.W. The land appeared high and good, and to the S.W. we saw two large ridges of mountains, with two heads with the appearance of the entrance of a river between them, which we supposed to be the seacoast. Here we found that the country which appeared low and dark was that which is rocky and scrubby, and that which appeared light and hilly is the most easy to travel in, being the forest. We saw to the northward and westward many hills of those which appeared rocky, but to all appearance more open to the northward. In the latter part of the day, after we had got over the first ridge of mountains, we fell in with a vast number of kangaroos. Here we were fortunate again, for Wilson killed one of them, which was a great refreshment to us. The next morning, about sunrise, I myself heard two guns fire, which sounded to the S.E. I was not certain that it was a gun untill Wilson said, "Do you hear that gun fire?" I said I did. I then took up my gun and fired again, but we could get no answer, altho' we fired five different times. We here come to a resolution of returning, for Wilson here came to a part of the country which he knew, and a very barren one, for we could not get anything to eat but a few roots and grubbs, and they very scarce. Indeed, I thought that we must all have perished with hunger, which certainly would have been the case had it not been for the indefatigable zeal of Wilson to supply us with as much as would support life; for we travelled six days successively over hills and vallies full of rocks, and no appearance of any animals or birds of any size, so that we had no hopes of ever reaching back again, being so weak that Roe and myself were scarce able to travel; but on the sixth day we got through the rocks, and made the forest land about 10 miles from Prospect, which very much enlivened our spirits, for we were all but starved, and were obliged to cut up all our cloathing to cover our feet, which was cut with the rocks. Enlivened as we were at getting good ground to travel on, and being cheered up by Wilson, who said we should soon make Prospect, we then proceeded on our journey with all the spirit and strength we were master of, and to our great joy we reached the desired place a little before sundown. Distance, 16 miles.

1798

View from a high hill.

Kangaroos.

The return.

Scarcely able to walk.

Arrive at Prospect

JOURNAL OF A SECOND JOURNEY.

Friday, March 9th, 1798.—Course, S.S.W. Left Prospect Hill and took the above course. Nothing particular transpired this day. We travelled till dark, and stopped all night on the road. Distance, 16 miles.

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a fine open country for 7 or 8 miles. We saw the dung and marks of the cattle's feet all the way till we came to a rocky creek, then we had a nasty, scrubby, stoney country for the remainder of that day. We crossed three deep vallies, with large ponds of water in each of the vallies. We also crossed one deep gully; we then came to for the night. Distance, 13 miles.

1793

Thursday, 15th.—Course, S.W. We continued our course with very bad travelling, for the mountains was so steep we could scarcely pass. We crossed three deep gullies and one run of water, where we stopped all that night. Distance, 12 miles.

Steep mountains.

Friday, 16th.—Course, S.W. Kept the same course, the travelling much the same as yesterday; of the two this day's is the worse. In the course of our journey Wilson saw some salt. Distance, 10 miles.

Saturday, 17th.—Course, S.W. Still the same course. We saw an exceeding high mountain. We agreed to go to it, for Wilson told me that it was the highest mountain in all the country. In going to it we crossed a small river running through the mountains, bearing N.N.W. to S.S.E. The day being so far advanced, we could not get up and down while daylight, so we stopped under the hill till morning. The ground is covered with limestone and a kind of a marble stone. We gathered some of them, which we put in our bags. Distance, 7 miles.

Cross a small river.

Sunday, 18th.—We got at the top of this high mountain, which I believe to be the largest hill in the country. Here we had an excellent view of the whole mountain. We took a view to the N. and N.W., which is nothing but exceeding high mountains on a rise one above another, so that the clouds is lost. We likewise saw a river bearing N.N.E. and S.S.W. Wilson told me that this river runs into Tenche's or Nepean River, for he was well acquainted with it. We saw that the river that we had crossed before came into it, and discovered a brook which runs through the mountains. I supposed it to be a river, so I asked Wilson if it was a river or not; he told me that he was certain that it is the river that runs clean through the mountains to the Hawkesbury. The land to the N.E. looks to be a level country, for we could hardly discover Mount Hunter or any other hill towards home, but to the E. we saw a scrubby rocky country full of deep gullies; to the S.E. much the same. We saw a large gap about S.S.E.; we supposed that there was a river which runs into the sea, but to the S. the country is very mountainous, but fine green hills; some of them are brushy and full of vines, with good black soil. We likewise saw to the W. and S.W. that the country seems to be level and a good one; then we came off the hill to refresh ourselves and to proceed on our journey. It was about 2 in the day when we left this hill; we named it Mount Wilson. After our refreshment we steered our course S.W., and crossed

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ground is still barren and scrubby during our day's journey. Distance, 20 miles. 1796

Thursday, 22nd.—Course, S.W., the same course as yesterday. Met with many creeks ; seemed to run from the S.E. down towards the W'd. Wilson shot a pheasant in one of the creeks. Here we had some rain. Saw some high hills. We agreed to go to the top of the highest we could see, for we were resolved to get farther to the S.W. if it was possible. We concluded to bring to for the night. Distance, 11 miles.

Friday, 23rd.—Course, S.W. Came to the top of a high hill on purpose to see how the country looked towards the S.W., and found it to be a stoney, barren country. Saw some mountains about 11 miles from us. We came to them and got up one of them, to satisfy ourselves with a view to get further into the country, if a good one. We found to the S.W. that it was a scrubby, hilly country, and nothing to be got, so we concluded to return back, for fear that we should not have biscuits enough to bring us back, for if we could have got anything to eat we should not have returned towards home yet awhile, having had no signs of a kangaroo for three days, and we really believe that there never was a native in this part of the country. We saw from the mountain a river that seemed to run away to the W'd ; steered our course N. to get to it. We found it to be about the size of the Nepean River, with a great run of water. Found that all the creeks that we met with before comes into it. To the southward it runs to an open country at a great distance. The tops of the hills looks to be very thin of timber. Here we had much rain. Came to for the night. Distance, 14 miles. A high hill. A river.

Saturday, 24th.—Course, N.E. We did not see any better way back. Wilson shot a rock kangaroo, so we saved a day's allowance of biscuits. Very dull and rainy weather. Stopped all night. Distance, 16 miles. The return.

Sunday, 25th.—Course, N.E. Continued the same course. The ground as before. The timber is of a white gum and a short stringybark. Still keeps raining. Went to rest for the night. Distance, 14 miles. The timber.

Monday, 26th.—Course, N.E. Weather very bad ; we walked as fast as we could to get into a better country. During this day's journey Wilson shot a strange bird. Long while before we could find a place to sleep in this night. Distance, 24 miles.

Tuesday, 27th.—Course, N.E. We had proceeded on for about 1 mile when we fell in with a fine open country. Wilson had the good fortune to shoot a kangaroo ; by that means saved our biscuits, for we made a good dinner off him. We steered our course E.S.E., to see how that part of the country would turn out. A fine open country.

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